

H. Cass





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A LETTER

ON THE

SUBJECT OF THE CLERGY RESERVES,

ADDRESSED TO

THE VERY REV. PRINCIPAL MACFARLAN

AND THE

REV. DR. BURNS, D. D.,

BY

WILLIAM MORRIS, OF PERTH,

UPPER CANADA, 1838.

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L E T T E R .

PERTH, UPPER CANADA, 1st JULY, 1838.

TO THE VERY REV'D PRINCIPAL MACFARLAN, D. D. AND
THE REV'D ROBERT BURNS, D. D.

REVEREND SIRS,

You have long been zealous advocates of our church's claims in the British Colonies, and have been at much pains to procure a recognition of her rights in Canada. It may, therefore, aid your future exertions to be possessed of the following remarks, and especially of the documents in the appendix, which cannot always be referred to without some trouble.

Recent untoward events in our church's history in Canada, with which you are well acquainted, have assumed a national character, and as such, I doubt not, will be viewed by the leading men of Scotland. It is surely time that the provisions of the Treaty of Union should be understood; and if the conditions of that solemn compact do not confer on the natives of Scotland resident in the British Colonies equal rights with those possessed by their fellow subjects of England, the sooner this is known, the better will it be for the peace and safety of these colonies.

In the year 1791, the Imperial Act 31 Geo. III. chap. 31, was passed, dividing the Province of Quebec into the

Provinces of Upper and Lower Canada. An important provision of the statute is the reservation which it makes of one seventh part of all the unceded lands for the support and maintenance of a Protestant Clergy. At the period in question the territory embraced within the Province of Upper Canada, did not, it is supposed, contain ten thousand inhabitants, who were scattered along a frontier of more than six hundred miles, and were composed of the soldiers of several disbanded Regiments which had served in the revolted colonies, now the United States of America—of persons who adhered to the Royal cause by following the standard of their country into Canada, and who are familiarly known by the appellation of “U. E. Loyalists,” which means those who opposed the American Rebellion, and supported the unity of the Empire,—of a settlement of Scottish Highlanders in the County of Glengary, and some French Canadians in the neighbourhood of Amherstburgh, in the Western District.

In Europe, little was then known of the colony which has since engaged so much of the public attention. Emigration to the port of Quebec, for many years afterwards, was scarcely ever heard of. Immense forests of uncultivated land were unoccupied, and consequently considered of no value. The Clergy Reservation equally partook of the same unproductive and unfavourable condition. “The Upper Province,” says the Archdeacon of York, “continued “almost a dense forest till after the American War of “1812. Few or no Reserves were leased, and consequently “there were no funds at the disposal of the Government. “The few Clergymen of the Church of England then resident in the colony, were supported as Missionaries by “annual salaries derived from the British Government.”

The Ministers of the Church of Scotland, and of other denominations, also few in number, had to struggle for a livelihood in the best way they could; for whatever might have been the opinion or hopes of the settlers, who were connected with the Church of Scotland, on the subject of the Clergy Reserves, it would have been very idle to propose supporting clergymen from lands which produced "no funds," and therefore a hopeless undertaking to apply to any Presbytery in Scotland for ministers, whose only chance of maintenance would have been the precarious contributions of their countrymen, the greater part of whom were unable to do more than provide for the immediate wants of their wives and children.

Under these circumstances, it should neither create surprise, nor subject us to censure, if no public claim was made on the part of the Scots Church to participate in the possession of property which yielded no revenue. For the same individual has said that "Upper Canada even in 1818 was still in comparison a wilderness," and it was not till the 30th of April 1819, that the Clergy Corporation was constituted by patent under the Great Seal of the Province. How long after this period the proceeding was known only to its promoters, does not come within my knowledge, but from several circumstances, I am inclined to believe that the formation of this corporation was not generally understood for more than a year afterwards, when an official notification of the fact was published at Quebec. However, the members of the Church of Scotland in Lower Canada, as early as the year 1821 or 1822, forwarded a petition to His Majesty on the subject, in which their claim to a share of the Clergy Reserves, as members of one of the National Churches, was put forth.

So that, if they receive blame for not having mooted the question during thirty years after the passing of the statute 31 Geo. III., chap. 31, the Archdeacon of York has furnished very satisfactory reasons in their favour for twenty-nine years of that period; namely, that "Canada was a wilderness,"—"the lands yielded no funds"—and the formation of the Clergy Corporation was not known to the public till the month of June, 1820, when the notice in the appendix appeared in the public prints of Lower Canada; by which the colonists were made acquainted with the pretensions of the clergy of the English Church, and their determination to possess the whole of these lands, amounting to nearly four millions of acres. Up to this period, the Clergy Reserves were neither possessed nor managed by the clergy of the Church of England; the Sheriffs of the several Districts collected the rents under the authority of the Executive Government, and paid the amount to the Receiver General of the Province.

It is supposed that the patent or commission in question did not confer any other power on the corporation than that of leasing the lands, for it was intimated to the committee of the House of Commons on the civil government of Canada, in the year 1828, that a wish had been expressed by some of the English Clergy to obtain power to sell a portion of the Reserves for the support of the Bishop and Archdeacons in the first place, and then for the support of the other clergy of the Church of England and also for the education of children in the principles of the church of England (1.)* But as no copy of the commission was possessed by the Colonial Department, and therefore not laid before the committee, and as the correspondence on this subject has

+ See Appendix.

never been made public, doubt and conjecture must at present supply the place of certainty and information. It is, however, very probable that by this application it was intended to set at rest all uncertainty as to the meaning of the term "a Protestant Clergy," used in the statute under consideration.

The same term, be it remembered, that is found in the Act 14 Geo. 3, chap. 83, which was passed for establishing the Government of the Province of Quebec, soon after the conquest of the colony, the 6th clause of which authorised His Majesty, his heirs or successors, to make provision "for the encouragement of the protestant religion, and for the maintenance and support of a Protestant Clergy."

This language is so plain and comprehensive, and at the same time so satisfactorily in accordance with the expressions used in the Articles and Act of Union, that any legal decision upon it, favourable to the claim of the Church of Scotland, would seem to be nothing more than a recognition of the principles of that treaty, which regards the Church of Scotland as one portion of the true Protestant Religion, and which awakened the fears of prejudice in the House of Peers, as the protest of a few noble Lords will explain (2). Those self-important individuals, like some persons of the present day, were greatly alarmed lest a law which required the Sovereign at the accession to the Throne of the United Kingdom, to take and subscribe an oath inviolably to maintain and preserve the Church of Scotland as the true Protestant religion, should have the effect of making that Church what it would seem they wished she were not; but to the honour of that enlightened and exalted branch of the Imperial Legislature, few members were found to adhere to the protest.

I would briefly observe, that if the Constitution of the United Kingdom has established the Church of Scotland as one branch of the true Protestant religion, (and this no one will attempt to deny,) and if the Statutes of the 14th and 31st years of the reign of His Majesty George the 3d, clothe the Sovereign with power to promote and maintain that religion in the Canadas, being British Colonies, it is surely an illiberal interpretation of the latter act to suppose that because the 38th and 39th clauses direct that a portion of the reservation shall be applicable to the building of Churches and to the support of Ministers of the *Church of England*—the other branch of the established Protestant religion—that therefore it is the only Church entitled to consideration under these Statutes, and this too despite the opinions of Mr. Dundas and Lord Grenville, two distinguished members of the House of Commons, when the latter act passed (3.)

I cannot believe that the term “Protestant Clergy” was used in these Statutes for the purpose of designating the Clergy of the Church of England, for if so, the same language would have prevailed throughout; and when it is found that this expression is not incidentally made use of in an obscure manner, and in an unimportant part of a sentence, but occurs exclusively in the 36th and 37th clauses of the act of 1791, and which are the very foundation of the appropriation, I feel bound to assert that the Statute protects the claims and interests of the Church of Scotland as amply (they being, to all intents and purposes, “a Protestant Clergy”) as it possibly can do those of the Clergy of the Church of England.

I have never yet understood what called forth the doubts which induced Lord Bathurst, in the year 1819, to submit the act in question to the Law Officers of the Crown,

in order to ascertain how far, under the legal construction of it, “ the dissenting Protestant Ministers resident in Canada have a legal claim to participate in the lands by that act derected to be reserved as a provision for the support and maintenance of a Protestant Clergy.” But, I think it may be confidently assumed, that it was not owing to any application from the members of the Church of Scotland here, else the opinion would have been required in a different manner from that stated in Earl Bathurst’s letter to those learned functionaries, and the first paragraph of their answer is quite conclusive on this point. For they say that although the provision is not confined solely to the Clergy of the Church of England, but may be extended also to the Clergy of the Church of Scotland, yet that it does not extend to dissenting Ministers ; evidently shewing that the *doubts* had been raised in favour of dissenting Ministers, and not on account of any application from the Church of Scotland, whose right at that time had neither been advanced nor denied in any public discussion or document that I ever heard of.

It is worthy of notice that in 1819 the Colonial Government of Upper Canada directed letters patent to issue, appointing the Bishop and Clergy of the Church of England a corporation to have the sole management of the Clergy Reserves, and that immediate application was made for power to sell as well as to grant leases of the land;—this request the Home Government never complied with : how could it ? for the statute confers no such authority on the Sovereign, even the formation of the corporation was an assumption of extra-judicial power.

About the same period His Majesty’s legal advisers were required to report whether it was incumbent on His

Majesty to retain a proportion of the lands for the dissenting Clergy. By which circumstance it is known that an opinion was entertained in some quarter that the Church of England was not entitled to enjoy the whole reservation.

If the decision which the law officers of the Crown came to on the subject, was never transmitted to the Government of the Colony, it would be wrong to accuse the individuals who composed it with unfair dealing in having concealed from the public, especially from the members of the Church of Scotland, a matter of so much importance, and in which they had so deep an interest. At the same time it is difficult to reconcile a contrary course of proceeding on the part of the Home Government with that full and fair statement which was laid before the crown lawyers. A candid and open communication to the Provincial Parliament in 1820, of the state of the case, and of the views of Government on the subject, would have removed all ground of suspicion, and have prevented much evil which has befallen the Colony in consequence of the opportunity which secrecy gave to selfish aspiring individuals to misrepresent the state of public feeling, and to misapply the funds derived from the lands ; for it is supposed that up to the year 1828 not a single clergyman had ever been supported from this source, although the gross rental of lots under lease exceeded £1200 per annum.

How it could have cost £800 a year to collect the rents is left a matter for unsatisfied curiosity to talk about. But that such is the case, abundant evidence has been adduced. [4]

In the year 1820, it became generally known that the Clergy of the Church of England were organized as a Board to superintend the management of the reserved lands, and

from the discouraging distance at which the ministers of the Church of Scotland were kept by the Provincial authorities, as well as by the style in which they were usually spoken of, it was quite obvious that their rights and claims as a co-ordinate branch of the established Protestant religion would be regarded by those in colonial power as entitled to no consideration.

These circumstances, no doubt, had a due influence on the Scottish Presbyterians of Lower Canada, when they made the first formal application to His Majesty for support for their Clergy from the provision made by the constitutional act—and to a certain extent did they operate on my mind when I laid the subject before the House of Assembly of the Upper Province in the month of December, 1823.

I have not been able to procure copies of the first two answers which Lord Bathurst gave to the applications sent to him from Lower Canada in favour of our Clergy ; but I subjoin a copy of the third letter which they received, and the late Rev'd John McLaurin, of Lochiel, when he furnished me with it in February, 1824, said it was the least favourable of the three. It is addressed to His Excellency the late Earl of Dalhousie, then Governor-in-chief of these Colonies, and bears date at Downing-street, 3d September, 1823. [5]

The result of my proposition in the Assembly was an address to His Majesty in favour of the claim of the Scottish Church. [6] A large majority of that House voted in support of the measure ; and although it was not concurred in by the Legislative Council, five members of that body being for it and six against it, I am firmly persuaded that it would have received the assent of both branches had the

fact been known to the public that the law officers of the Crown had recently given an opinion in accordance with the view taken of the law by the Assembly.

The only answer ever received to this address was a message from His Excellency Sir P. Maitland, dated the 27th January, 1825, in which it is stated that a despatch had come to hand from the Secretary of State for the Colonies, informing His Excellency that the address of the House of Assembly "has been duly laid before the King."

[7] I cannot help believing that some unfair, secret influence from this Province had the effect of preventing a reply from His Majesty to this respectful and forcible appeal in behalf of the claims of our Church.

During this year the Imperial Act, 6 Geo. 4th, chap. 75, was passed, and as it empowered His Majesty to sell to the "Canada Company" one half of the Clergy Reserves, and also to set apart and appropriate other waste lands of equal value, to be substituted and exchanged for those to be sold to the Company, the House of Assembly very naturally felt anxious to know what the Government intended to do with the proceeds of the sale ; and also to inform His Majesty that any further appropriation of Clergy lands was contrary to the feelings and wishes of the inhabitants of the country. An address for these objects was consequently passed on the 27th January, 1826, and which I append for your information. [8] This document was not suffered to lie long unanswered at the Colonial Office, for at the commencement of the ensuing session of the Legislature, His Excellency sent down a despatch from Earl Bathurst, dated Downing-street, 11th June, 1826, [9] in which His Lordship says His Majesty was persuaded the Assembly would never have passed the address if they had understood

the true intent of the Act of Parliament referred to, which had not for its object any increase of the amount of the Reserves “ specially allotted for the established Church.” This uncourteous answer produced much warmth of feeling in the Assembly, and was immediately submitted to the consideration of a committee of the whole house, when a series of resolutions were adopted expressive of the views and sentiments of a large majority of that body.

The answer was unsatisfactory to the Assembly because it supposed the members incapable of understanding the meaning of a plain and intelligible Act of Parliament ; and also because it abruptly declared that the lands set apart for the support of a Protestant Clergy were “ specially allotted for the established Church.” This term was understood by the Assembly to mean the Church of England, as no answer had been given to their address in favour of the claim of the Scottish Church ; and as at that period it was customary among a certain class when speaking of the Church of England, to designate it as “ *the Church*,” or the “ *Established Church*,” indeed, the absurd custom prevails even yet, although not to the same offensive extent that it did a dozen years ago ; perhaps some of the early exclusionists have had their eyes opened to the reality that *their* Church is not the *only* one within the pale of christianity, and this may account for the pleasing modification of their modern language respecting churches.

Little did I dream, at the period alluded to, that an opinion in support of the rights of the Church of Scotland had previously been furnished to Earl Bathurst by His Majesty’s legal advisers ; and if His Lordship, by the use of that expression, meant only one of the established

churches, it would seem that he did not feel under any particular obligation to be guided by what *they* thought on the subject. But I am disposed rather to infer, now that there is more light on the subject than shone on the public mind previous to the publication of the report of the committee of the House of Commons in 1828, that His Lordship intended by using the language “established Church” in the despatch, to include both churches—and this interpretation would better accord with his speech in the House of Lords shortly after, when he said the Reserves would seem not to have been exclusively intended for the Church of England, and that the allotment looked like a provision for the Church of Scotland also. [10]

This stage of the proceeding would naturally embrace the exertions which were made in London by the Rev'd Doctor Strachan, now Archdeacon of York, and it might perhaps be of advantage to lay before you copies of the several papers which he circulated there in order to strengthen the claim to exclusive privileges in favour of the Church of England. But as this would expose sentiments and views which have subsequently proved to be erroneous, and as the publication of those documents cannot alter the position or ground of right in favour of either Church, or in any degree advance the cause of justice, I prefer passing them in silence, choosing rather to submit such documents of an official character as will shew how far the Government of the Mother Country may be considered pledged to provide support for the Clergy of the Church of Scotland out of the clergy lands.

In the year 1825, the Rev'd Doctor Mearns, of King's College, Aberdeen, who was convener of the General As-

sembly's committee on the Canada Petition, made application to the Secretary of State for the Colonies in behalf of the Ministers of the Scot's Church in Canada, and Earl Bathurst was pleased to communicate an answer so favourable, [11] that Lord Glenelg, in May, 1837, admitted that "the expectation held out by His Lordship in 1825 to the General Assembly of the Scots Church, entitled the Ministers of that Church to the most favourable consideration in the distribution of any funds applicable to religious instruction." Notwithstanding the fair prospects which this answer presented, the parties most deeply interested in the issue were doomed to continued disappointment; and on the 8th June, 1827, the same committee of the Church, with Doctor Lee as its convener, sent forward another petition on the subject, which, with the reply dated at the Colonial Office on the 4th July following, you will find in the appendix, No. 12.

About this period the Government of Upper Canada received orders to pay to the Clergy of the Scots Church, from the casual and territorial revenue, the sum of £750 sterling. At first the Ministers were allowed £90 sterling, but in January, 1829, His Excellency Sir John Colborne found that an equal division of the sum at his disposal for this purpose, would reduce the amount to be paid to such minister to £57, below which he stated in a letter to the late John Crooks, Esquire, of Niagara, it should never be reduced. [13]

It has been stated that this *liberal appropriation* on the part of Government should have satisfied the members of the Church of Scotland, and deterred them from pressing their claims to a share of the Clergy Reserves. But those who

make such observations, must know little indeed of the Scottish character, if they imagine that an inconsiderable allowance to a portion of the ministers only, and that paid out of a temporary fund, could induce the members of the Church of Scotland to waive their national imprescriptible, right, to enjoy in a British colony equal advantages with their fellow subjects of England! It is true that the gross sum mentioned has received some augmentation as the number of the clergy increased, but it has not much exceeded a tithe of the provision made for the support of the clergy of the English Church who are *all* provided for, whereas many of our ministers have never received a farthing from the Government. At Vandieman's Land I perceive that nearly the same humiliating disproportion of public patronage was kept up till quite lately; the Government allowance for the year 1836 being to the English clergy £5,953 14 0; and to the Scotch Church only £550 0 0. Lord Glenelg has said, "that as there did not appear to him to be any sufficient reason for this distinction, he consequently instructed the Governor to propose to the Legislative Council that the latter should receive the same amount of stipend as that to which the clergymen of the Church of England were entitled," and it is to be hoped that the same impartial proceeding will be directed for the Canadas.

The applications and complaints from this country on the subject of the Reserves, as well as on other matters, became so numerous and loud that the House of Commons, in the beginning of May, 1828, appointed a committee of twenty-four influential members to take into consideration and report on the state of the civil Government in Canada; and after an industrious investigation, which lasted nearly three months, they made a report of their opinion on vari-

ous subjects of important interest to the inhabitants of both the Canadas. The appendix to the Report comprehends the testimony of numerous witnesses, and a variety of papers, some of which the people of this colony had not previously heard of ; among these holds a prominent place the opinion of His Majesty's law officers, relative to the Clergy Reserves, dated Doctors' Commons, 15th November, 1819, for a copy of which and the names of the persons who composed the Committee, see appendix. [14] A perusal of this Report, and the questions put by the committee, together with the evidence of some of the witnesses who were connected with the colonial department, must remove all doubt as to the intention of the Government respecting the establishment of the Church of England in Canada as a dominant Church. And in order to give you ready access to this information, I have appended part of the evidence of the Right Hon. R. W. Horton, and James Stephen, Junior, Esquire, the former Under Secretary, and the latter counsel in that department.

The publication of this Report afforded very general satisfaction in both Provinces, and the Scottish part of the population in particular felt a degree of hope surpassing any former occasion, that their ardent attachment to their country's Church would ere long be rewarded by seeing her clergy set free from disability and placed in the possession of every privilege which the clergy of the sister Church are permitted to enjoy ; nor was this fondly cherished anxiety without flattering prospects for several years, for although the whole available revenue which was derived from the clergy lands, continued to be paid to the clergy of one of the establishments only, yet the tenor of several public documents which came before the Provincial Legislature, in the

mean time, was such as to keep alive the confident belief that the Scottish Church would speedily obtain, at the hands of the Imperial Government, that recognition which justice points to in her favour as a branch of the true Protestant Church of Great Britain, and which the colonial authorities had long endeavoured to frustrate. I here allude to an expression used in Lord Goderich's despatch of the 8th Nov. 1832—to Sir John Colborne's message to the Provincial Parliament, of the 25th January, of the same year—to the Address to the King from the Legislative Council—and to Sir F. B. Head's instructions when he assumed the Administration of the Government. [15]

From the period when the discussions took place on this subject in the Imperial Parliament, I mean in the year 1828, up to the month of February, 1837, the public mind seemed for the most part satisfied that the utmost reliance might be placed on the intentions of His Majesty's ministers with regard to the ultimate disposal of the all-absorbing question of the Clergy Reserves.

Even those persons in the colony who had formerly held the most exclusive opinions regarding it, appeared to relax in their sentiments and to modify their language, in accordance with the principles which were professed in the several documents I refer to. This feeling of accommodation, whatever might be its origin, was beheld with the utmost satisfaction in the Legislative Council's address to the King. And the people of all classes looked upon the anxiety of that body as the harbinger of an era in the history of the colony, which would ever after be regarded as the beginning of a liberal system of Government ; and that at no future time would it be asserted that the clergy lands in Canada were

the exclusive property of the Church of England ; or, that the power and right of the Provincial Legislature to amend the constitutional act in that respect, would ever again be stigmatized as an attempt at robbery and spoliation ; more especially, as the exercise of that power had received the frequent invitation of His Majesty's Government.

At the close of the Session of 1836, it became known to the public that a certain number of Rectories had recently been established and endowed with a portion of the Clergy Reserves ; and although this unexpected proceeding was very generally condemned as unwise, and as a violation of an honourable engagement on the part of the Government, I believe very few persons imagined that His Majesty's ministers had given directions to that effect. Indeed, to have supposed this possible, should have been to accuse them of the most dishonourable breach of good faith wholly irreconcilable with the duty of high-minded ingenuous noblemen who rule the destinies of the British Empire ; and who had placed at the disposal of the Legislature of the colony the settlement of all the difficulties connected with the Clergy Reserves, by " inviting the House of Assembly to consider " how the powers given to the Provincial Legislature by the " constitutional act, to vary or repeal this part of its provisions " can be called into exercise most advantageously, for the " spiritual and temporal interests of His Majesty's faithful " subjects in this Province."

During the interval preceding the next Session of Parliament, nearly all the Presbyterian congregations in the Province held meetings to consider of a measure which they conceived would materially interfere with their civil and religious rights as a branch of the established religion of the

United Kingdoms; and consequent petitions were prepared and presented to both Houses condemning, in plain and spirited language, the establishment of the Rectories. Not only did the members of the Church of Scotland raise their voice against a proceeding which they considered illegal and unjust, but the Wesleyan Methodists, at their annual Conference soon after, sent an address to His Majesty expressive of their strong disapprobation of the measure. [16]

The consideration of one of those petitions was the occasion of that speech in the House of Assembly by the Solicitor General which created such a degree of excitement among the Scottish inhabitants, and which led to a meeting at Cobourg of delegates from the several congregations on the 14th April, 1837.

You are perfectly acquainted with the result of that meeting, and know that I proceeded to London shortly after it broke up, as the bearer of a petition to the King and to both Houses of Parliament, complaining of the policy which the Colonial Government had pursued with respect to the Rectories and other matters connected with religion; and praying that the members of the Church of Scotland might be put in possession of their constitutional rights in a British colony. My correspondence with the Colonial Secretary put you in possession of the reception which this application met with, and of the views entertained, at that time, by Her Majesty's ministers relative thereto.

The despatch of Lord Glenelg to Sir F. B. Head, of the 6th July, 1837, [17] shews beyond all controversy that the establishment of the Rectories was altogether an act of the Colonial Government, and one which caused much surprise and mortification to the Secretary of State for the Colonies.

The legality of the measure is yet to be ascertained, for it seems that an opinion of Her Majesty's legal advisers, like that described by Cowper in an adjudged case not to be found in any of the books, is of no practical value, but may be changed after the most mature deliberation ! The question yet to be determined is, first, whether the letter of Lord Bathurst [18] to Sir P. Maitland, dated Downing-street, 22d July, 1825, is in compliance with the letter and spirit of the 38th clause of the Statute 31 Geo. 3d, chap. 31, and next, whether that letter can be regarded as having legal force in the year 1836, after the death of His Majesty, in whose reign it was written, and after the recall of the Lieutenant Governor to whom it was addressed, and to whom alone it gave authority to act, and long after His Majesty's ministers had in various ways acted upon principles diametrically opposite to those expressed in the letter; and more especially, as the Governor in Council did not establish the Rectories under the authority of that despatch, but by virtue of Lord Goderich's confidential despatch of the 5th April, 1832, which Her Majesty's law officers have twice declared contains no authority for that purpose !

Whether the proceeding of which we complain be legal or not, the good faith of the Home Government, repeatedly pledged that the local Legislature should be permitted to manage the settlement of the conflicting disputes about the Clergy Reserves, has been compromised in a way that ought to produce the most painful emotion to an honorable mind.

It may yet be found that the words at the commencement of the 38th clause, require the sign manual of the Sovereign to an authority, before the Lieutenant Governor,

with the advice of the Council, can establish a single Rectory. But whether or not, is it to be countenanced that the ancient records of any colonial government are to be ransacked for documents to justify proceedings opposed to the declared policy and principles of the present Ministers of the Crown? I need not mention what effect such an admission would have on the colonists; confidence in the integrity of our rulers, under such a state of affairs, must gradually be destroyed, unless, perchance, Her Majesty's ministers take steps to vindicate Her injured councils, but of this I do not perceive any immediate prospect. Not only has no legal proceeding been instituted to try the validity of the Rectories, as we were led to hope by the despatch of the 6th July, last year; but now we are told to bring an amicable suit in the Court of Chancery, in order that either party may appeal to the Judicial Committee of the Privy Council for a final decision. This course would subject us to great expense, and engender a rancorous feeling of animosity throughout the whole country. Let the Government, therefore, bring the matter to a fair and impartial settlement, by placing before the high court of Parliament our oft-repeated claims founded on the treaty of Union—the constitutional act of Canada as explained in the debates at its passing—and the promises and hopes held out to us, from time to time, by the noblemen in charge of the colonial department.

If, after such a decision, we have at any time reason to complain of the conduct of the colonial authorities, in any matter which involves our national rights and privileges, there will be a satisfaction in knowing that the ministers of the Crown, on a former occasion, took effectual steps to bring our complaints before the proper tribunal for investi-

gation and adjustment. And whether the decision shall come up to my ideas of what is due to our countrymen in the British Colonies, or shall sustain the efforts of those who oppose us ; we will, in either case, arrive at certainty as to the future. But if, unfortunately, Scotsmen shall be doomed to fill an inferior place as British subjects in these Colonies, it will be a consoling reflection to me that I never, in one instance, compromised a single " right, privilege, or advantage," which belongs to my native country as an integral part of the British Empire.

I may, before bringing this letter to a close, mention a very general opinion that prevails here, as well on the part of many influential ministers and members of our Church, as among numerous classes of other denominations; that composed as is the population of Upper Canada, it would not only be highly inexpedient but positively unjust, were the Government to clothe either or both of the national establishments with exclusive spiritual powers and advantages, or to confer in like manner the whole of the clergy lands. There are other Protestant communities, particularly the Methodists, who have done much to meliorate the religious destitution of the Colony, and at a time, too, when few other clergymen were in the country. It would, therefore, seem exceedingly selfish were we, when advocating our constitutional claims and rights, to deny to our fellow christians and neighbours that countenance and support from the Government, the deprivation of which has caused us so long and so justly to complain. More especially, as the Imperial Legislature must have contemplated the probability of such a state of society in the Province, as would render legislative relief to those sects necessary ; and hence the 41st clause of the act in question

gave the Colonial Parliament, under certain restrictions, authority to "vary or repeal" any of the provisions "respecting the allotment and appropriation of the lands." Besides, the message of the 25th January, 1832, held out encouragement, which inspired hope in those communities, which it would be most ungenerous to disappoint.

I have never been able to perceive that the powers of an establishment such as our Church enjoys in Scotland, could benefit that branch of it which exists in the Canadas, even if there were no jealousies and opposition in the way. Endowment, to secure the decent and permanent support of public worship is all we ought to desire, and endowment only to a limited extent ; for the congregations must be required to contribute a portion of the ministers' stipend, whether by pew rents or otherwise, else a state of indolent indifference may arise materially detrimental to the prosperity of the Church. All we require is a moderate and limited endowment, with legal corporate powers, to enable lay members of the Church, as trustees, (not Presbyteries and Kirk Sessions) to hold and manage the property for the benefit of the Clergy; [19] and this is as necessary for other churches as for ours, and will readily be granted by the Legislature whenever it is asked.

To enforce the ecclesiastical authority or discipline of any church by legal enactments, will, I am strongly persuaded, prove an entire failure if ever it be attempted in Canada. Exclusive privileges are not adapted to the social or political condition of any part of continental America, and I think those who have formerly advocated the experiment in Canada, would manifest much wisdom by abandoning the design.

The charter of King's College was long the subject of angry debate in the Assembly of the Upper Province, and although the chief part of its objectionable character has been removed, in accordance with the public voice ; the people sustained much injury by the alienation of 225,000 acres of their school lands with which this intended institution was endowed, when its promoters were in the plenitude of their secret power. A copy of a report of a committee of the House of Assembly, which I drew up some years ago, and which I add to the appendix, along with some other documents, will let you understand the nature of this extraordinary transaction.

I fear I have trespassed too long on your time, and shall therefore conclude by expressing a hope, in the memorable words of Queen Anne, in her first speech to the British Parliament—that Her present Majesty may speedily “extinguish by all proper means, the least occasions for “jealousy, that either the civil or religious Rights of any “part of Her United Kingdom can suffer by the consequences of this Union.”

I remain,

Reverend Sirs,

Your most obedient servant,

W. MORRIS.



APPENDIX.

[1] p. p. 6. Extract from Mr. Stephen's Evidence, before the Committee of the House of Commons, on the Civil Government of Canada, in the year 1828 :

Can you give the Committee any information respecting the Church Corporation?—The Church Corporation is created by a Commission under the public Seal of the Province of Lower Canada, and it has always been doubted whether the Governor had any strict legal right to issue such a Commission.

When was it issued?—I believe about nine years ago.

Of whom does it consist?—I believe it to consist of the Bishop, the Archdeacons of the two Provinces, and the Clergy of the Church of England. They are all, as I understand, members of this Corporation *virtute officii*, but I have never seen the instrument; we have no copy of it in Downing-street, and I can therefore speak of it only from the representations of others.

Do you know what powers they have under that Commission?—I think their powers are confined to granting leases for the term of 21 years, and to the prevention of trespasses on the Clergy Reserves. They are a corporation of management merely; they have no power to appropriate the rent which they receive.

Is the rent received by them?—The rent, I apprehend, is paid over to the Receiver General of the Province.

To him directly?—I believe that the clergy collect it in their different districts, from the tenants, and pay it over to the Receiver General.

Have they any other power than that of leasing the land?—I am not aware that they have any other powers except that of leasing, and that of preventing trespasses.

Has any wish been expressed by the Church Corporation to alter or to increase those powers?—A wish to that effect was expressed by some of the Canadian Clergy.

What powers did they think that it would be expedient to vest in the Church Corporation?—They wished to have powers resembling those which were granted to the Corporation in New South Wales, which powers are much more ample.

What are those powers?—In New South Wales, in every county, a block of land is set apart, which is conveyed to a corporation, called " Trustees of the School and Clergy Reserves." The Corporation have the power of selling one-third of what is so set apart for them, and applying one half of the produce of those sales to the improvement of the rest. The Corporation are to grant leases of what remains in its improved state, and the rents which they are to receive from those leases, with the interest arising for one half of the proceeds of the sales, are to be divided into two equal shares. Of these, one is to be applied in supporting schools for the education of children in the principles of the

Established Church of England ; the remaining half is to be applied to the support of the Bishop and Archdeacon in the first place, and then for the support of the other Clergy of the Church of England. When those objects are effectually provided for, the surplus is to be applied in whatever manner the King shall be pleased to direct,

Do you know what number of leases have been made ?—I do not.

Are you of opinion that the act of 1791 contemplates the endowment of the Church of England, but that at the same time, with respect to lands which are not necessary to be applied for the endowment of the Church, the rents and profits of those lands may be applicable, at the discretion of the Crown, to the purposes of a Protestant Clergy, speaking generally ?—As I understand the Act of 1791, it distinguishes between the Clergy of the Church of England and a Protestant clergy. To the clergy of the Church of England, and to them alone, it gives the capacity of receiving endowments as parochial ministers. To “ a Protestant Clergy,” whatever those words may mean, it gives the capacity of receiving any parts of these lands which the Royal Bounty may deal out to them. The expression, “ a Protestant Clergy,” is understood by the law officers of the Crown to mean any Protestant Clergy, recognized by the law of Great Britain, or in other words the clergy, either of the Church of England, or of the Church of Scotland.

When you speak of the Royal Bounty, do you mean the rents and profits that may be made from the Clergy Reserves ?—Not the rents and profits merely. I apprehend that the King might, if it should so please him, appropriate in perpetuity a certain portion of land for the sustentation of one or more English clergymen, or of one or more Presbyterian clergymen of the Church of Scotland.

Do you mean beyond the one-seventh reserved, or out of that one-seventh?—Out of the one-seventh.

How do you reconcile that answer with the statement that the Act appears to you to contemplate an endowment only of the Church of England?—Because I apprehend that it is one thing to erect a parsonage and endow it with a glebe, and a different thing to appropriate a piece of land for the maintenance of a clergyman.

Have the law officers of the Crown given their opinion distinctly, that by the term Protestant Clergy no other sect is included, except the Presbyterian clergy of the Church of Scotland ?—They have, as I understand them, given their opinion distinctly, that no body of clergy, not recognized by the law of this land, can be candidates for this property.

And that consequently no such body is contemplated under the term Protestant Clergy, under the Act of 1791 ?—Yes.

Can you point out in the Act the words upon which you take the distinction you have stated to the Committee ?—The 37th clause enacts, “ That all and every the rents, profits or emoluments which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant Clergy within the Province, in which the same shall be situated ” The 38th clause enables the King to authorize the Governor, with the advice of the Executive Council, to erect within every township or parish, one or more parsonage or rectory, according to the establishment of the Church of England. The 39th clause enables the King to authorise the Governor to present to every such parsonage an incumbent, or minister of the Church of England, who shall have been duly ordained according to the rites of the said Church. The 40th clause declares that every presentation of an incumbent to any such rectory, and the enjoyment of the rectory and the profits of it by the incumbent, shall be liable to all the rights of institution and other spiritual jurisdiction which may have been granted by the King to the

Bishop of Nova Scotia, or which may be granted to any other person according to the laws and canons of the Church of England. And the 41st clause enacts, That the several provisions hereinbefore contained respecting the allotment and appropriation of lands for the support of "a Protestant Clergy" within the said Provinces, and also respecting the constituting, erecting and endowing parsonages or rectories within the said Provinces, and also respecting the presentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, his heirs and successors, under the restrictions which are afterwards mentioned. Those restrictions are the laying them before Parliament. The 42d section enacts, that whenever any Act is passed by the Legislative Council and Assembly of either of the Provinces, to vary or repeal any of those provisions respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said Provinces, or respecting the constituting, erecting or endowing parsonages, or respecting the presentation of incumbents or ministers to the same, or respecting the manner in which such incumbents shall hold them, and that whenever any Act shall be so passed containing any provisions affecting the exercise of any religious form or mode of worship, or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same, or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights hereinbefore mentioned, or shall in any manner relate to the granting, imposing or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship in respect of his said office or function, every such act must, before it receives the King's assent, be laid before the Parliament of Great Britain. Now as it seems to me in all these passages the Church of England is expressly mentioned where the Church of England is meant. And where the more comprehensive sense is to be conveyed, the more comprehensive term, "a Protestant clergy," is employed.

What meaning do you attach to the latter part of that paragraph, especially to the words "any other dues?"—I explain the words thus: this Act of Parliament, in the earlier sections, refers to the dues and rights belonging to the Roman Catholic clergy. In this passage its language is, "If the Legislature of the Canadas shall grant or impose any other dues,"—other, that is, than those which belong to the Catholic Clergy—"then the King shall not have the power of assenting to such an Act until Parliament has had the opportunity of seeing and considering it."

Do you consider that clause as in any way a guarantee against the possible invasion by the Assembly of what had been granted to the Catholic Clergy?—I apprehend that the object of the clause is rather to take some security that the Legislature of the Canadas should not establish any objectionable form of worship, or impose on the King's subjects there any dues for its support. Before the King can assent to any such law, Parliament claims an opportunity of seeing it. This is, in fact, a jealousy of the King legislating, with the consent of the Provincial Assembly, on the subject of religion.

In clause 37, it is enacted, "That all and every the rents, profits or emoluments which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant Clergy within the Province in which the same shall be situated, and to no other use or purpose whatever." As the next clause limits the en-

downment to the Church of England, is it your opinion that the rents, profits, and emoluments arising from lands not endowed must be, at the discretion of the Crown, applicable for the general purposes of a Protestant Clergy?—Applicable for any Protestant Clergy established by the law of this land.

Will you point out to the Committee any provision in this Act which appears to permit the appropriation and allotment of land specifically to a Protestant Clergy, as contrasted with the appropriation of a portion of the rents and profits arising from the lands?—I apprehend that the 37th clause, which authorizes the application of “rents, profits and emoluments,” to the maintenance of a Protestant Clergy, carries with it a power to the King to appropriate, in perpetuity for that purpose, any portion of the land whence those “rents, profits and emoluments” are to arise. The land so to be appropriated may, in my apprehension, be given either to the English or to the Scotch Clergy. That the land itself is to be held in mortmain, and is to be inalienable, I suppose to be a matter of course.

Do you conceive, according to your interpretation of the term Protestant clergy, that other Presbyterians than those in communion with the Church of Scotland would come within the letter of the Act?—I think not. I apprehend that no man is a Clergyman of the Kirk of Scotland who is not appointed to that office either by the General Assembly, or by some of the Presbyteries dependent upon it. A person calling himself a Presbyterian, who is altogether unallied with the Church of Scotland, does not, as I conceive, come within the meaning of the term “a Protestant Clergy,” as that expression must be understood when used by the United Parliament of England and Scotland.

Do you then consider the Presbyterians of the Synod of Ulster as not recognized by law as a Protestant Clergy in the country?—I apprehend that the Presbyterians of the Synod of Ulster are not recognized by law as an established Church in this country. The Acts of Union prevent the legal establishment of the Church of Scotland in any part of the United Kingdom except in Scotland.

Extract from Report of Select Committee of the House of Commons, on the Civil Government of Canada, 1823 :

To a property at once so large and so unproductive, it appears that there are numerous claimants.

The Act of 1791 directs that the profits arising from this source shall be applied to a Protestant Clergy; doubts have arisen whether the Act requires the Government to confine them to the use of the Church of England only, or to allow the Church of Scotland to participate in them. The Law Officers of the Crown have given an opinion in favour of the Rights of the Church of Scotland to such participation, in which your Committee entirely concur; but the question has also been raised, whether the Clergy of every denomination of Christians, except Roman Catholics, may not be included; it is not for your Committee to express an opinion on the accuracy which the words of the Act legally convey. They entertain no doubt, however, that the intention of those persons who brought forward the measure in Parliament was to endow with Parsonage Houses and Glebe Lands, the Clergy of the Church of England, at the discretion of the local Government; but with respect to the distribution of the proceeds of the reserved lands generally, they are of opinion that they sought to reserve to the Government the right to apply the money, if they so thought fit, to any Protestant Clergy.

The Committee see little reason to hope that the annual income to be derived from this source is likely, within any time to which they can look forward, to amount to a sufficient sum to provide for the Protestant Clergy of these Pro-

vinces; but they venture to press the early consideration of this subject on His Majesty's Government, with a view to an adjustment that they may be satisfactory to the Province; of the principle on which the proceeds from these lands are hereafter to be applied, and in deciding on the just and prudent application of these funds, the Government will necessarily be influenced by the state of the population, as to religious opinions, at the period when the decision is to be taken. At present it is certain that the adherents of the Church of England constitute but a small minority in the Province of Upper Canada.—On the part of the Scotch Church, claims have been strongly urged on account of its establishment in the Empire, and from the numbers of its adherents in the Province. With regard to the other religious sects, the Committee have found much difficulty in ascertaining the exact numerical proportions which they bear one to the other; but the evidence has led them to believe, that neither the adherents of the Church of England nor those of the Church of Scotland form the most numerous religious body within the Province of Upper Canada.

[2] p. p. 7. Extract from the Journals of the House of Lords, 4th March, 1706:

“An Act for an Union of the Two Kingdoms of England and Scotland.”

Then a Rider was offered to be added to the Bill, which was read as follows:—

“Provided always, that nothing in this Ratification contained, shall be construed to extend to an approbation or acknowledgment of the Truth of the “Presbyterian Way of Worship, or allowing the Religion of the Church of “Scotland to be, what it is styled, the true Protestant Religion.”

And it being proposed “that the same be read a second time,” and debated thereupon—the question was put, “whether this Rider shall be read a second “time.”

It was resolved in the negative.

Protest against rejecting it.	}	<i>Dissentient</i> —BEAUFORT, BUCKINGHAM, NORTH & GREY, ANGLESEY, NORTRAMPTON, ABINGDON, NOTTINGHAM, WINCHELSEA, SEARSDALE, GEO. BATH & WELLS, THANET, GERNESEY, GRANVILLE, STOWELL, WEIGH- MOUTH, GUILFORD, LEIGH.
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When this vote was taken there were 70 members present, of whom 15 were Lords Spiritual.

[3] p. p. 8. Evidence of Lord Viscount Sandon, before the Select Committee of the House of Commons, on the Civil Government of Canada, in 1823, communicating the opinion of Lord Grenville, on the subject of the Clergy Reserves:

Do you recollect having a conversation with Archdeacon Strachan upon the subject of the Church Reserves in Canada?—I remember two or three conversations which passed, principally, I believe, in the committee-room of the Emigration Committee; I do not remember distinctly any one.

The Committee observes, in a speech made by Archdeacon Strachan, on the 6th of March, 1828, in the Legislative Council of Upper Canada, that Archdeacon Strachan says that he called upon your Lordship, in consequence of the debate which took place in the month of May last year in the House of Commons, with a view of ascertaining from you exactly what you had asserted to have been Lord Grenville's statement upon that subject; and Archdeacon Strachan proceeds to say, that he called upon your Lordship, and that you stated that Lord Grenville had stated that the Scotch Presbyterians were not intentionally excluded; and provided that provision should be found more than sufficient for the established Church, he saw no objection to giving them aid.—Is that a correct representation of what you said to Dr. Strachan?—That certainly is not a correct representation of what passed between us. It is difficult at this time to recollect distinctly what I said to him. All I can say is, that I could not have said what he represents me to have said; for it is not now, nor ever was, my understanding of what Lord Grenville said to me.

Have you at this moment a distinct recollection of what Lord Grenville said to you?—I remember that he stated to me that the scheme upon which he built the system that was intended to be incorporated in the Canada Act of 1791, was a good deal derived from information they had collected from an officer that had been much in Pennsylvania, of the system with regard to lands appropriated to religion and education in that State; I understood him to say, that the distinction of a Protestant clergy, which is frequently repeated in the Act of 1791, was meant to provide for any Clergy that was not Roman Catholic, at the same time leaving it to the Governor and the Executive Council of the Province to provide in future how that should be distributed.

Extracts from Debates in the House of Lords, 26th June, 1828, containing opinion of Lord Grenville, on the subject of the Clergy Reserves, as conveyed by the Earl of Harrowby :

The Earl of Haddington said, he held in his hand a petition from a very numerous body of individuals residing in Lower Canada, relative to a subject which appeared to them of a nature of considerable importance, and which he doubted not would appear important to their lordships also, as closely connected with the interests and happiness of Upper and Lower Canada. The petition emanated from persons professing to belong to the Presbyterian Church of Lower Canada, and it related to the reserved lands appropriated for the support of the Clergy, and which the petitioners contended were intended for the support and maintenance of all Protestant clergymen; and consequently those of the Presbyterian Church. He (the Earl of Haddington) expected soon to have another petition to present upon the same subject; but as the present one, which was signed by about 4,000 persons, appeared to him to speak the wishes and offer the prayers of all classes of our fellow-subjects in that colony, in which light it would doubtless be viewed by their lordships also, he thought it necessary to defer his observations until then. The petitioners stated, that they had paid their own clergy as much as they possibly could, but it was totally out of their power to maintain them without the assistance of the "Clergy Reserves," to which they thought themselves entitled by the act 31 of George III. which act assigned certain portions of ground land for the support of the Clergy of the Protestant religion, as established in Canada. The provision of the Act did not specify the Church of England, but merely the Protestant religion, and the only question to be determined was whether or not those who belonged to the Presbyterian Church were of the free Protestant religion; the petitioners contended they were, and he could see no reason for drawing a different conclusion.

The concession, if granted by government, he thought would be the means of introducing much religious peace and contentment in that colony. For what was the consequence of the present system? The various religious denominations who were deprived of the provisions of the act alluded to, not being able to support their own clergy, were obliged to attend the ministry of other preachers, many of them missionaries from the United States of America, who, if they could teach them morality and religion, (and far was he from judging otherwise) yet they were by no means calculated to teach them the duty they owed to their king, or love and attachment to their country. Besides, if a support were given to the clergy of the established Church, which was denied to any other, a dangerous consequence might be the result of comparisons which would very naturally be made between the condition of their clergy and those of the United States—and he believed that no measure was less grounded upon true policy than that of a government making laws exclusively for the benefit of one church, the members of that church constituting the minority of the inhabitants of the country for which such laws were enacted. A noble lord, in speaking upon this subject, introduced the authority of Lord Grenville, to show that the words "Protestant religion" set forth in the act before alluded to, were made use of solely with a view to exclude Roman Catholics from its provisions. He had satisfaction, however, in the assurance that the question respecting Canada, would be enquired into and fully discussed by the committee appointed to take the subject into consideration, in another place, and he hoped that the report of that committee would tend to set the question at rest, and ultimately lead to a satisfactory adjustment. He would, therefore, for the present, only move that the petition be laid on the table.

The Earl of Harrowby would not have said a word upon the subject of the petition presented by the noble lord, had not a reference been made to the opinion of Lord Grenville; but as such reference had been made, he felt himself called upon to state, that he had repeated conversations with that noble lord (Grenville) upon the subject, and he (Lord Grenville) had not only expressed his opinion so, but had requested him (the Earl of Harrowby) if any opportunity should offer, to state that both his own and Mr. Pitt's decision was, that the provisions of the act 31st George III. were not intended for the exclusive support of the Church of England, but for the maintenance of the clergy generally of the Protestant Church.

The Marquis of Lansdowne said he did not feel anxious to prolong an incidental discussion upon a subject of such great importance, the more particularly as a committee of the other house were at that very time engaged in submitting the subject to the most accurate investigation, but he could not refrain from declaring that he never could understand that wherever any act of Parliament named the Protestant clergy, it named the Protestant Episcopal Clergy. It should be remembered that that was the Legislature of England and Scotland, a perfect parity existing between the two. Scotland was not to be considered as a dependency from England, but as united with her upon the principle of Mr. Pitt—upon the principle of the union between England and Ireland—upon the principle of perfect union and perfect equality. It was not, therefore, to be understood, that the Church of Scotland was confined to Scotland; and many years had not elapsed since colonies were as much connected by legislation with Scotland and the Kirk of Scotland, as they were with England and the Church of England. It was determined that the Church of Scotland ought to be provided for in the East Indies, as well as the Church of England, and, in consequence, a corresponding establishment was given in that colony. He contended that the presumption was, that the act alluded to implied the Protestant clergy at large, for he thought that reports were not for a moment to be put in compe-

tion with the solemn declaration of the noble lord who had introduced that measure. Upon all these grounds, their lordships should avoid coming to a hasty decision upon the question; they should pause and consider the constitution of the act, and not suffer themselves to be carried away by individual authority, however respectable.

Earl Bathurst agreed with the noble Marquis in thinking their lordships should pause before they came to a decision upon a question of such importance—a decision to which they were not called upon to come at present. But when the time did come, he was sure they would consider it with all that intensity of attention which it demanded, without reference to the recorded opinion of Mr. Fox or Mr. Pitt, or any other individual, however exemplary or distinguished. It was a question of too great importance to be judged by such a criterion, or after such a manner. *He agreed with the noble Marquis that the Protestant establishment was not exclusively contemplated by that act. He acknowledged in some degree the claim of the Church of Scotland, according to the provisions of the 31st of George III.—* But in the Act there was a clause which shewed clearly in his mind that the allotments made to the clergy were as a commutation of tithes, and in lieu of tithes. *Notwithstanding all this, he, at the same time, admitted that the allotment of one seventh looked like an intention to make some provision for the Church of Scotland also.* He believed there was a power to change from time to time, and that a large allotment had accordingly been made to allow scope for this; but the great principle undoubtedly was, that the first care should be taken of the Church of England, and that its demands should be satisfied first. The moment a parish was established, the provincial authorities were bound to appoint a Rector, and to endow a church. But still, if there was any surplus, he did not mean to say that that should not be applied to meet the wants of the Church of Scotland. The subject afforded grave matter of enquiry, and he begged to be considered as expressing no fixed opinion upon it. At the same time he would say, that when he was colonial secretary he had given the subject much of his attention and consideration, and his own impression, and that of the members of the crown office, with whom he had frequently communicated, was, that the claims of the Church of England were paramount, and should be first satisfied, but that any surplus might be devoted to the use of the Presbyterian Clergy.

The Earl of Haddington, in moving that the petition be laid upon the table, denied that it would be a spoliation to give the Presbyterian clergy a provision from the clergy reserves. He defended them against the charge made by the Right Rev. Prelate, at which he was much surprised. There was nothing extraordinary or deserving of reprehension in the Dissenters having laid aside the differences which divided them in their own country, and which were in a great degree local. Besides the petitioners prayed for any relief, maintenance or support which Parliament would be pleased to afford them.

Lord Goderich thought the Act of Parliament contemplated a provision for the maintenance of another Protestant clergy besides the clergy of the Church of England. There was a clause in it which authorised an alteration in the allotments, by the Provincial Legislature. There was another clause which applied one-seventh of all grants to the maintenance of a Protestant Clergy.—And amongst them there was another clause, which evidently contemplated the possibility of another clergy being provided for, from the terms in which it was conceived, for it imposed on all persons the necessity of contributing for the dues or stipends of any minister or religious instructor in respect of his office or

function. It was provided that the act by which the alteration was made should be transmitted to this country, and receive the sanction of Parliament. It was quite evident, too, that from the state of the colony, when that act was passed, (there not being, he believed, at that time 10,000 inhabitants in Upper Canada) that though there might be a just and natural anxiety to establish a Protestant Church, yet that it would have been impossible to look forward to the establishment of any particular Church.

The petition was then laid on the table.

[4.] p. p. 10. Extract from Observations by John Strachan, D. D., Archdeacon of York, 1827.

1st. Till 1819, the Clergy Reserves were under the management of the Executive Council; the members of which, having no particular interest in leasing them, took no pains in the matter.

2d. In 1819, the leasing, and the leasing only, was committed to the Clergy of the Established Church; for the rents being paid over to the Receiver-General, to be disposed of by the Government, according to the 31st of George III.

3d. The exertions of the Clergy in promoting leases were seconded by a change of times and circumstances, the most convenient lands are nearly all granted.

4th. The lands, which remain at the disposal of Government, are now so remote, that a lease near the market is becoming more desirable than a free grant.

5th. Emigration is another cause for the demand for leases; for Emigrants have not the same dislike to leases as the natives, and are anxious to remain in the thick settlements; but as there are no grantable lands in such, they are beginning to take leases.

6th. Parents are commonly desirous of settling their children near them; and since to purchase is not always in their power, they are finding it more convenient to apply for leases.

In regard to the actual receipts of rents, it is to be remarked, that for a long time the rent was taken to pay the expence of the leases and the bonds necessary to convey the title to the applicant; and the receipt, amounting annually to about £1,200, is farther reduced by the mileage and per centage of the Sheriffs, who are employed to collect this small sum from farms, scattered over a surface of nearly 40,000 square miles.

Since 1819, improvements have been in progress, so as to increase the receipts; each applicant on receiving his lease pays for the same; and greater regularity is observed in demanding and collecting the rents.

But although leases will now certainly issue much faster than they have done, yet the smallness of the amount, even if strictly collected, prevents us from hoping that the Establishment, under the present system of management, can possibly keep pace with the wants of the people, as will appear from the fact, that there are in the Province about 150 townships, containing from 40 to 500 families, in each of which a Clergyman might be usefully employed, and double this number will be required before the expiration of 21 years, which at the very moderate annual stipend of £200 each, would require immediately £30,000 additional per annum; and in the course of 21 years £30,000 more, or in all £60,000. But let us suppose only fifty Clergymen immediately necessary, and 200 at the end of 21 years, this would require an immediate

revenue of £10,000 per annum, and towards the end of the period £40,000 more.

Now the leases which have issued produce a gross revenue of about £1,200; and suppose that during the next 21 years, five times as many are issued, and that the rents are rigidly exacted and collected, the revenue would hardly amount to £8,000, or very little more than half the sum which is now required to support such a number of Clergymen as are necessary to supply the present wants of the Province.

These things pressing forcibly on the minds of the Lord Bishop of Quebec and his Clergy, and on the Lieutenant Governor of Upper Canada and his Council, induced them to seek the power of selling the Clergy Reserves to a limited extent, as well as leasing them, leaving the proceeds to be disposed of, as provided for in the 31st Geo. III. chap. 31; and this is the object of the bill now before Parliament.

From this measure many important advantages would result:—

1st. One-seventh of the country now locked up in mortmain, which in some degree impedes improvement, would be made free.

2d. The means would soon be afforded to multiply Clergymen to any number that might be required.

3d. A new link of attachment would be formed with the mother country.

4th. The lessees would be more punctual in paying their rents, for fear of losing any claim to renewal or advantageous purchase.

5th. Two or three hundred Clergymen, living in Upper Canada, in the midst of their congregations, and receiving the greater portion of their income from funds deposited in this country, must attach still more intimately the population of the Colony with the parent state: their influence would gradually spread; they would infuse into the inhabitants a tone and feeling entirely English, and acquiring by degrees the direction of education, which the Clergy of England have always possessed, the very first feelings, sentiments and opinions of the youth, must become British.

It is quite evident, that in a very short time, from the new method of granting lands, and their distance, sales of Clergy Reserves will be more frequent than leases are now; nor will this be disputed by any, who consider the manners and habits of the people of the Canadas. They dislike all tenures except the fee-simple: it is, therefore, not extravagant to expect to sell 4,000 lots in the next 21 years, averaging 15s. per acre; for though some might at first sell for 10s., yet many would fetch 20s.; and all, except bad lots, would gradually rise in price as the country was improved and became full of people. Now, 4,000 lots, averaging 15s. per acre, give £600,000, which, at 5 per cent., would yield a revenue of £30,000, which, added to the annual rents, accruing from leases, would amount to £38,000, a revenue sufficient to support nearly 200 Clergymen.

Extract from the Evidence of the Right Honorable R. W. Horton, M. P., before the Select Committee of the House of Commons, July, 1828.

It appears that out of the Crown lands granted to the Canada Company, a reservation of £750 a year has been awarded for the Scotch Church, with what view was that award made?—It was considered highly expedient that the Scotch Church should have a provision, and whatever might be the adjudication with respect to the Clergy Reserves, it was quite evident, that even if the principle of dividing the profits of those Reserves between the two Churches had been adopted, it would have yielded only £200 per annum to the Scotch Church, which would be insufficient to meet the demands for their pastors, and consequently the Secretary of State recommended the appropriation

of a part of the proceeds of the payments of the Canada Company to the payment of the Scotch clergy.

How long is that £750 to be continued to the Presbyterian Church?—The £750 is necessarily at pleasure; but it is to continue as long as the payments are made from the Canada Company, which involved a period of fifteen years absolutely, and a probability of a much longer period.

Extract from Dr. Strachan's Speech, in the Legislative Council of Upper Canada, 26th March, 1828.

"It was late before the business came on, and the Hon. R. W. Horton had some difficulty to get the House to attend—at length he got the Bill into Committee. He stated that great misapprehension had gone abroad respecting the object of the Bill, yet all that was now asked for had been already granted. Power had been given by law to sell in another way one-half of the Clergy Reserves to the Canada Land Company, but after some consideration another arrangement with that Corporation had been preferred. He stated that the Reserves at present netted scarcely £400 per annum. By rendering them inalienable they produced little or nothing; leasing was not popular, nor would it ever be, so long as lands could be so easily procured in fee simple."

Extract from the Evidence of the Rev. C. Morgell, Chaplain to the Lord Bishop of Quebec, before the Committee of the House of Commons, 14th June, 1828.

Will you be good enough to explain what you meant when you said that in Lower Canada the Clergy Corporation were actually in debt since the year 1819?—I know that the Corporation were indebted to their Secretary a few pounds for keeping the books, and after defraying the expenses connected with the management of the Reserves.

In what way are the expenses of the Clergy Corporation incurred?—By collecting rents, which is an enormous expense compared with the receipts.

Is there any payment to the Clergy Corporation themselves, or to the Secretary?—A salary is given to the Secretary, and a certain sum is allowed each member of the Corporation for his expenses in coming from a distance to attend the annual meeting; nothing is allowed to those resident where it is held; but there is not a single clergyman supported by the Reserves, or that nets a sixpence from the Reserves.

Are the Committee to understand that the expenses of the collection have in Lower Canada amounted to above 100 per cent. upon the rental of the Clergy Reserves?—I know that the Clergy Corporation of Lower Canada were in the debt of their Secretary a few pounds, after the balance was struck, while I was at Quebec.

Do you know that not one farthing collected by the Corporation has ever been available for the support of any clergyman?—I do.

Applying these observations to Upper Canada, do you happen to know what has been the annual amount that has been derived for the purposes of the Clergy from any leased lands of the Clergy Reserves in that Province?—I do not know the sum expended in the erection of parsonages; but in the way of income, none of the clergy of Upper Canada have been in any degree benefitted by them, nor can they be; they contend for them as a provision for future clergymen, when new missions are opened; as far as they are individually concerned they are wholly disinterested. Perhaps it might be as well to say that the time when the corporation in Lower Canada were in debt to the Secretary, was before the new arrangement had been made, by which they have rendered

the collecting of the rents easier and cheaper than formerly ; whether they are now in debt I do not know.

See additional Appendix, No. 1, Speech of Mr. Horton, Feb., 1827.

[5] p. p. 11. Letter from Earl Bathurst, to His Excellency the late Earl of Dalhousie, Governor General, dated Downing-street, 3d September, 1823:

(Copy)

DOWNING-STREET, 3d September, 1823.

My Lord—

I have received Your Lordship's letter of the 22d February, in which you enclose me copies of two letters which you have received from the Ministers of the Scotch Churches at Quebec and Lochiel, with a view to an additional provision being made for the support of the Clergy of that Church.

I am fully prepared to admit the justice and propriety of many of the remarks in the letter of the Minister of Lochiel, to which you have invited my particular attention ; but, at the same time, I am not aware that there are any funds from which such a provision could be made, and if any such did exist.—The Clergy of the Church of England would have at least an equal claim on them, nor do I think that it would be expedient or just to allow any proposition to be made to the Assembly for a legislative provision for the Scotch Clergy, unless at the same time a proposition was also made for providing funds for the support of the English Protestant Clergy within the Province, who are placed in the most anomalous situation, and part of whose income is now derived from the Military Chest, and the charge included in the army extraordinaries.

Those reserves of land which were destined for their support, being at present unproductive of any revenue which could be applied for their use.

Could such propositions be both brought forward in a proper manner and with reference to the relative importance of the two establishments, I should be happy to recommend to His Majesty to give his sanction to any Bills that might be framed to give effect to the principle—but I am afraid that, in the present state of feeling in the Legislature of Lower Canada, there is little chance of such measures being brought forward, and I much fear that there would be little disposition in the House of Commons to sanction any increase of that necessary charge which must be sustained at home for the support of the English Protestant Church in Lower Canada, for whom no effective provision is made within the Colony, however desirable it might be to afford the Ministers of the Scotch Church that assistance which their exemplary conduct so much deserves.

I have the honor, &c. &c. &c.

(Signed)

BATHURST.

To His Excellency,
The Earl of Dalhousie,
&c. &c. &c.

[6.] p. p. 11. Address of the House of Assembly of Upper Canada, in favor of the Church of Scotland, 5th Jan. 1824.

TO THE KING'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign :

We, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, most humbly beg leave to approach your Majesty, and to submit to your Majesty's most gracious consideration our earnest supplications in behalf of the clergy and members of the Established Church of Scotland, in this portion of your dominions. When the kingdoms of England and Scotland were (happily for both) united under the British Crown, the subjects of each were placed on a footing of reciprocity, they were to enjoy a full communication of every right, privilege and advantage, and their respective churches were established as "true Protestant Churches," within their particular limits; the clergy of both might therefore reasonably expect equally to participate in the benefits which might result from the union. Viewing the conquest of these Provinces from the dominion of France, by the united exertions of Great Britain and Ireland as one great advantage resulting from the union, we humbly conceive that the Churches of England and Scotland had, after such conquest, equal rights as to the exercise and enjoyment of their respective religious privileges therein, and an equal claim to enjoy any advantages or support which might be derived from the newly acquired territory. By an Act passed in the thirty-first year of the reign of our late revered Sovereign, whose memory will long live in our hearts, an appropriation is authorized to be made of one-seventh of the lands of the Province for the support and maintenance of a Protestant Clergy in this Province; and under the general words, "a Protestant Clergy," used in that Act, your Majesty's subjects in this Province, who belong and are particularly attached to the Church of Scotland, fondly hoped that a provision had been made for the Clergy of that Church, as well as for those of the Church of England, and though the allotment of lands thus authorized has hitherto been in a great measure unproductive, they felt a degree of confidence that it would eventually afford a fair support to the clergy of both Churches. The lands reserved under the said Act being claimed and enjoyed exclusively for the support and maintenance of the Clergy of the Church of England in this Province, we humbly entreat your Majesty's consideration of the subject, and if in the legal construction of the said Act it is considered that no provision for the Clergy of the Church of Scotland was contemplated thereby, we would most respectfully and earnestly express to your Majesty our hope that your Majesty will be graciously pleased to extend to them your royal protection and consideration, by directing such provision to be made for their maintenance and support as to your Majesty may appear proper. That your Majesty may long reign in the confidence and affection of all your subjects, to guard and secure their rights in every portion of your widely extended dominions, is the prayer of your Majesty's faithful subjects the Commons of Upper Canada.

(Signed)

LEVIUS P. SHERWOOD,

Speaker

Commons House of Assembly, }
5th January, 1824. }

[7.] p. p. 12. Message from His Excellency Sir P. Maitland, to the Assembly of Upper Canada, 27th January, 1825.

P. MAITLAND.

The Lieutenant Governor acquaints the House of Assembly that he has received a despatch from His Majesty's Secretary of State for the Colonies informing him that the Address of the House of Assembly relative to the claims advanced by the Presbyterians of the Kirk of Scotland settled in this Province, to participate in the lands reserved for the support of a Protestant Clergy, under the Act of 31st George III. has been duly laid before the King.

[8] p. p. 12. Address by the Assembly of Upper Canada, to the King, 27th January, 1826 :

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please Your Majesty—

We, Your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to approach Your Majesty, to express our sentiments on a subject of deep interest to your faithful subjects of Upper Canada. We perceive by the provisions of an Act passed during the last Session of the Imperial Parliament, that Your Majesty is empowered to order the appropriation of a further allotment of land within this Province, for the support and maintenance of a Protestant Clergy, in lieu of that portion of the lands already set apart for the purpose (called the Clergy Reserves) which has lately been, or is about to be sold to the Canada Land Company.

We would most reluctantly appear to Your Majesty as unfriendly to the cause of Religion, but when we consider that one-seventh of all the surveyed lands within this Province, is already, by an Act passed in the 31st year of the Reign of His late Majesty, appropriated to that object, and are of opinion, that the extent of the present reservation is injurious to the prosperity of the Colony. We feel a strong desire that no further appropriation may be made, but that Your Majesty will be graciously pleased to submit to your Parliament the expediency of repealing so much of the late Act as permits the said further allotment.

We further most humbly represent, most gracious Sovereign, that the lands set apart in this Province, for the maintenance and support of a Protestant Clergy, ought not to be enjoyed by any one denomination of Protestants, to the exclusion of their christian brethren of other denominations, equally conscientious in their respective modes of worshipping God, and equally entitled, as dutiful and loyal Subjects, to the protection of Your Majesty's benign and liberal Government. We therefore humbly hope, it will, in Your Majesty's wisdom, be deemed expedient and just that, not only the present Reserves, but that any funds arising from the sales thereof, should be devoted to the advancement of the Christian Religion generally, and the happiness of all Your Majesty's Subjects of whatsoever denomination; or if such application, or distribution, should be deemed inexpedient, that the profits arising from such appropriation, should be applied to the purposes of Education, and the general improvement of this Province.

Commons' House of Assembly, }
27th January, 1826. }

JOHN WILSON,
SPEAKER.

[9] p. p. 12. Despatch from Earl Bathurst, to His Excellency Sir P. Maitland, 11th June, 1826.

(Copy)

DOWNING-STREET, 11th June, 1826.

Sir—I have laid before the King the Address of the Legislative Assembly of Upper Canada, praying that His Majesty would be graciously pleased to submit to Parliament the propriety of repealing so much of the Act of 6th Geo. 4 cap. as permits the appropriation of lands in lieu of the Clergy Reserves. I have received His Majesty's commands to acquaint you that he is persuaded the House of Assembly would never have concurred in this Address, if they had been apprized of the true intent of the Act of Parliament referred to, which had not for its object any increase of the amount of the Reserves, specially allotted by the Imperial Parliament for the Established Church.

I have the honor to be, &c. &c. &c.

BATHURST.

Major General Sir P. Maitland, K. C. B.
&c. &c. &c.

Resolutions passed by the Assembly of Upper Canada, on 22d December, 1826 :

1. Resolved—That the Despatch of the Right Honorable Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, communicated to this House on the 12th inst. by His Excellency the Lieutenant Governor, in answer to the Address to His Majesty of this House at its last Session, respecting the Clergy Reserves, is unsatisfactory to this Assembly, inasmuch as it is silent on a material part of the respectful representation of this House contained in the said Address.

2. Resolved—That the Imperial Parliament, by conferring on the people of Upper Canada a constitution in many important respects similar to that enjoyed by the inhabitants of the Parent State, was desirous of promoting the happiness and prosperity of all persons who might become resident in the Colony.

3. Resolved—That the appropriation of a seventh of all the surveyed lands within this Province, for the support and maintenance of a Protestant Clergy is a striking manifestation of the paternal regard of the Government of the Mother Country to all His Majesty's subjects; and, with power by the Assembly to legislate thereon, a most important point of said constitution.

4. Resolved—That the Imperial Legislature foresaw the probability of circumstances in the condition of the inhabitants of this Colony which might render an alteration in the law with respect to the Clergy Reservation expedient, and wisely left the Provincial Parliament at liberty to make such changes therein as the future state of society might require.

5. Resolved—That the construction given to the Imperial Act, which appropriates the Clergy Reserves to individuals connected with the Church of England, and the determination of the Clergy of that Church to withhold from all other denominations of Protestants residing within the Province, the enjoyment of any part of the benefits arising, or which may arise from the lands so set apart, call for the immediate attention of the Provincial Legislature to a subject of such vital interest to the public in general, and that such claim by the Protestant Episcopal Church is contrary to the spirit and meaning of the 31st Geo. III. and most injurious to the interests and wishes of the Province.

6. Resolved—That a comparatively small proportion of the inhabitants of Upper Canada are members of the Church of England, and therefore ought not

in justice to desire the sole enjoyment, by their clergy, of all the advantages which these lands present, to the exclusion of their fellow-subjects, although equally loyal and firm in their attachment to His Majesty's Government and the Constitution.

7. Resolved—That in a thinly inhabited country, such as Upper Canada, where the means of moral instruction to the poor are not easily obtained, it is the bounden duty of the Parliament to afford every assistance within its power towards the support of Education.

8. Resolved—That the present provision for the support of District and Common Schools is quite inadequate to the wants of the people, and ought by every reasonable exertion to be increased, so as to place within the reach of the poorest inhabitant the advantages of a decent education.

9. Resolved—That it is the opinion of a great proportion of the people of this Province that the Clergy lands, in place of being enjoyed by the Clergy of an inconsiderable part of the population, ought to be disposed of, and the proceeds of their sale applied to increase the provincial allowance for the support of District and Common Schools, and the endowment of a Provincial Seminary for learning, and in aid of erecting places of public worship for all denominations of christians.

10. Resolved—That it is expedient to pass a Bill authorising the sale of the Clergy Lands within this Province, for the purposes set forth in the foregoing resolution, and to address His Majesty, humbly soliciting that he will be graciously pleased to give the Royal assent to said Bill.

11. Resolved—That the number of the Protestant Episcopal Church in the Provinces bears a very small proportion to the number of other christians, notwithstanding the pecuniary aid long and exclusively received from the benevolent society in England by the members of that church, and their pretensions to a monopoly of the Clergy Reserves.

Extract from British Act, 6th Geo. 4th, chap. 75, for the sale of a part of the Clergy Reserves to the Canada Company :

2. AND BE IT FURTHER ENACTED—That His Majesty shall be, and he is hereby empowered to sell and convey to the said Company, and their successors, in fee simple, for such valuable consideration as shall be agreed upon between His Majesty and the said Company, as he shall deem expedient, and upon such conditions, and with and subject to such restrictions, limitations, and provisoes, as His Majesty may be pleased to impose, one equal half, part, and no more, of the said reserved lands in the Province of Upper Canada, called "the Clergy Reserves."

3. AND BE IT FURTHER ENACTED—That in case His Majesty shall see fit to set apart and appropriate in the said Province of Upper Canada, other waste lands of and belonging to His Majesty, of equal value with that part of the said Clergy Reserves which His Majesty is so empowered as aforesaid to sell and convey to the said Company, it shall and may be lawful for His Majesty, and he is hereby empowered by any order to be by him for that purpose made, by and with the advice of his Privy Council, to declare, that the lands so set apart and appropriated shall thenceforth be substituted and exchanged for such last mentioned part of the said Clergy Reserves; and then, and in that case, such substituted lands shall, from and after the issuing of any such order, be held, set apart, and appropriated upon, for, and to such and the same uses, trusts, and intents, and purposes, upon, for, and to which the said Clergy Reserves are now held, set apart, and appropriated.

[10.] p. p. 14. Extract from Earl Bathurst's Speech in the House of Lords. See Appendix No. 3, p. VIII.

[11.] p. p. 15. Extract of a Letter from the Colonial Secretary to Dr. Mearns in 1825.

"That whenever a congregation in any of those Provinces shall have erected a suitable place of worship, and be prepared to acknowledge the jurisdiction of the Church of Scotland, and to contribute according to their means towards the maintenance of a Minister,—upon their presenting a memorial to the Governor in Council, the Governor in Council will have received His Majesty's commands, authorizing him, upon being satisfied that these conditions have been duly complied with, to contribute to the support of the clergyman in such proportion as together with the contribution of the parties presenting the memorial, may be sufficient to afford him a competent maintenance—such contribution, however, being necessarily limited by the funds, which it may be in the power of the Crown to appropriate to such purpose, and by the other claims which may exist upon those funds."

[12.] p. p. 15. Extract from the Memorial by Dr. Lee, Convener of Committee of General Assembly, to the Secretary of State for the Colonies.

"The attention of the Memorialists has of late been specially called to the condition of the adherents of the Church of Scotland resident in Upper Canada, on whose behalf claims have been put forth for a share in the proceeds of the lands reserved by the 31st of his late Majesty, c. 31, for the support of the Protestant clergy. The General Assembly, in 1823, directed this committee to support the application by all means in their power; and it is in obedience to the command of the last General Assembly that this Memorial is presented.

"Your Memorialists cannot conceive it to admit of a question that, under the designation of a Protestant clergy, it must have been the intention of the Legislature to include, not only the clergy deriving their orders from bishops of the Church of England, but all such as might at any time be regularly ordained by Presbyteries of this National Church. The law of the land has applied the same general designation of Protestant indiscriminately to the members of either of the two established churches within the United Kingdom. In the ratification of the Treaty of Union, and in the Act of the Parliament of England entitled 'An Act for securing the Church of England as by law established,' the expression, Protestant Religion, is used at least as frequently in combination with Presbyterian church government as with the government of the Church of England. And your Memorialists are not aware of any law which can exclude the members of the Established Church of Scotland from the same privileges which are claimed and enjoyed by the members of the Church of England, resident in a colony which is confessedly British.

Answer of Colonial Secretary to the above Memorial.

Downing Street, 4th July, 1827.

SIR—

I am directed by Viscount Goderich to acknowledge the receipt of your letter of the 8th ultimo, urging the claims of the Presbyterian Ministers to par-

participate in the lands reserved for the support of a Protestant clergy in Canada, and I am to request that you will communicate to the Committee of the General Assembly of the Church of Scotland, that instructions were conveyed by Lord Bathurst to the Lieutenant Governor of Upper Canada in October last, authorizing the appropriation of £750 per annum from the proceeds of the sale of Crown lands to the Canada Company, which Lord Goderich trusts will evince the favorable disposition of his Majesty's Government towards the clergy of the Presbyterian Church, and whenever an available fund shall be established from the proceeds of the clergy reserves, the claims of the members of the Church of Scotland will be taken into consideration.

I have the honor to be,

Sir, your most obedient humble servant,

R. W. HORTON.

[13.] p. p. 15. Letter from Mr. Secretary Mudge, to the late John Crooks, Esquire.

Copy.

GOVERNMENT HOUSE, }
22d January, 1829. }

SIR—

With reference to your letter of the 17th inst., I am directed to acquaint you that the Lieutenant Governor, about the time your letter arrived, received several applications soliciting a portion of the sum which is to be appropriated for the support of your Church, and as he calculated that about £90 sterling per annum might be granted to each of the congregations that had recently applied, as well as to five ministers that he had found by warrants were actually in receipt of salaries, it was his opinion that a fixed yearly sum should be paid to each minister, which he imagined should be limited to £90 sterling; but he now finds from his own arrangements and those of his predecessor, that there are thirteen ministers in communion with the Church of Scotland, either actually in receipt of salaries or are in expectation of them. He is compelled to make such division of the sum allotted for their salaries, which he wished to avoid, and I am desired to state to you, that your minister will be entitled to receive only £57 sterling, which amount will never be reduced, and that his salary will fluctuate between £90 and £57 sterling, in proportion as the several ministers come on the list for payment:

I have the honor to be, &c. &c. &c.

Z. MUDGE.

[14.] p. p. 17. Copy of the opinion of His Majesty's Law Officers relative to the Clergy Reserves, dated 15th November, 1819.

DOCTOR'S COMMONS, 15th Nov., 1819.

My LORD—

We are honored with your Lordship's commands of the 14th September last, stating that doubts have arisen how far, under the construction of the Act

passed in the 31st year of his present Majesty (c. 31.) the Dissenting Protestant Ministers resident in Canada have a legal claim to participate in the lands by that Act directed to be reserved as a provision for the support and maintenance of a Protestant Clergy.

And your Lordship is pleased to request, that we would take the same into consideration and report to your Lordship, for the information of the Prince Regent, our opinion, whether the Governor of the Province is either required by the Act, or would be justified in applying the produce of the reserved lands to the maintenance of any other than the Clergy of the Church of England resident in the Province; and in the event of our being of opinion that the Ministers of Dissenting Protestant congregations having concurrent claim with those of the Church of England, further desiring our opinion, whether, in applying the reserved lands to the endowment of rectories and parsonages, as required by the 38th clause, it is incumbent upon his Majesty to retain a proportion of those lands for the maintenance of the Dissenting Clergy, and as to the proportion in which, under such a construction, the provision is to be assigned to the different classes of Dissenters established within the Province.

We are of opinion, that though the provisions made by 31st George III. c. 31, § 36 and 42, for the support and maintenance of a Protestant Clergy, are not confined solely to the clergy of the Church of England, but may be extended also to the clergy of the Church of Scotland, if there are any such settled in Canada, (as appears to have been admitted in the debate upon the passing of the Act,) yet that they do not extend to the Dissenting Ministers, since we think the terms, Protestant Clergy, can apply only to Protestant Clergy recognized and established by law.

The 37th section, which directs "that the rents and profits of the lands, &c. shall be applicable solely to the maintenance and support of a Protestant clergy," does not specify by what authority the rents and profits are to be so applied. Supposing the Governor to be duly authorized by the Act to make such application, we think that he will be justified in applying such rents and profits to the maintenance and support of clergy of the Church of Scotland, as well as those of the Church of England, but not to the support and maintenance of Ministers of Dissenting Protestant congregations.

With respect to the second question, the 38th clause, "which empowers His Majesty to authorize the Governor to constitute and erect parsonages or rectories according to the establishment of the Church of England," provides also, "that he may endow every such parsonage or rectory with so much of the lands allotted and appropriated, in respect to any land within such township or parish which shall have been granted, as the Governor, with the advice of the Executive Council, shall judge to be expedient."

Under these terms he might endow any particular parsonage or rectory, with the whole lands allotted and appropriated in that township or parish.

It would be inconsistent with this discretionary power, that any proportion of such lands should be absolutely retained for any other Clergy than those mentioned in that clause, and we think that it is not incumbent on his Majesty so to retain any proportion of such lands.

We have the honor to be, my Lord,

Your Lordship's most obedient humble servants,

(Signed)

CH' R. ROBINSON,
R. GIFFORD,
J. S. COPLEY.

EARL BATHURST,

&c. &c. &c.

Names of Members who composed the Select Committee of the House of Commons, on the civil government of Canada, in 1828.

2d May.

Mr. Secretary Huskisson, Mr. Wynn, Mr. Frankland Lewis, Mr. Sturges Bourne, Mr. Solicitor General, Sir James Mackintosh, Mr. Wilmot Horton, Mr. Vesey Fitz Gerald, Mr. Stanley, Mr. Stuart Wortley, Lord Francis Leveson Gower, Mr. Bingham Baring, Mr. Evelyn Denison, Mr. Hyde Villiers, Mr. Maurice Fitz Gerald, Mr. Loch, Mr. Archibald Campbell, Mr. Fazakerly, Mr. Wallace, Lord Viscount Sandon, Mr. Labouchere, Sir George Murray.

Extract from the Evidence of the Right Honorable R. W. Horton, M. P., before the Select Committee of the House of Commons, July, 1828.

From the opportunities you have had of ascertaining the feelings and opinions of the people of Canada on this subject, should you not be disposed to say that Government and the Legislature of England should be very cautious of doing any thing which could give rise to the slightest suspicion that there was any intention of establishing a dominant Church in that country?—The Act of 31st Geo. III. c. 31, clause 36, established the Clergy Reserves, that is directed that one-seventh part of the grants of land should be allotted and appropriated for the support and maintenance of a Protestant Clergy within the Colonies; and it is stated that this is done for the purpose of making the best arrangement, with a view to the due and sufficient support and maintenance of a Protestant Clergy within the said Provinces. The 37th clause enacts, “that all and every the rents, profits or emoluments which may at any time arise from such land so allotted and appropriated shall be applicable solely to the maintenance and support of a Protestant Clergy, and to no other use or purpose.”

Up to this point therefore no reference is made to an endowed Church; but the 38th clause proceeds to enact, “that it should be lawful for his Majesty, &c. &c. to constitute and erect within every township or parish, which now is or hereafter may be formed, constituted or erected within either of the Provinces of Lower or Upper Canada, one or more parsonage or rectory, or parsonages and rectories according to the establishment of the Church of England, and from time to time, by an instrument under the Great Seal of such Province, to endow every such parsonage or rectory with so much or such part of the lands, &c. “meaning the Clergy Reserves, as it might be judged to be expedient under the then existing circumstances of such township or parish then to appropriate.” The next clause attaches the same terms and conditions to those parsonages or rectories, and the same performance of duties, as are incident to a parsonage or rectory in England. The next clause places them under the jurisdiction of the Bishop. *The 41st clause gives a power and a most important one, to the local legislature, of varying or repealing several provisions there recited in any Act or Acts, which, being passed by the two Assemblies, should receive the consent of the Crown.*

In answer therefore to the inquiry, whether I should not be disposed to recommend caution, lest any suspicion should arise that there was an intention of establishing a dominant Church in that Colony, I beg leave to be permitted to make the following observations: It is perfectly clear to me, that the framers of that Act entertained the erroneous impression that this system of reserved lands would in a short time, comparatively speaking, produce a fund which might be generally applicable for the purposes of furnishing income to the Cler-

gy of the Established Church, whether of England or of Scotland, "as I conceive the words "Protestant Clergy" to refer to Clergy of the two recognized establishments; and it appears to me, from the construction of those clauses, that a special endowment of land, in cases where there was a demand, for the Church of England was provided for, whereas there was no such provision made for the Scotch Church: I consequently consider that I am justified in inferring that the Church of England was intended to be so far a dominant church as to have the advantage of lands specifically appropriated for its maintenance, as contradistinguished from the Scotch Church, which was to have such a proportion of the profits, rents and emoluments of those reserves as, under the discretion of the Executive Government, it might be expedient to allot to them. But it appears to me quite conclusive, that there was no intention of necessarily establishing the Church of England as a dominant church, inasmuch as the 41st clause gives a power to the local Legislatures, with the consent of the Crown, of altering all the provisions which are contained in the 36th, 37th, 38th, 39th and 40th clauses.

[15.] p. p. 18. Extract from Lord Goderich's Despatch, to His Excellency Sir John Colborne, 8th November, 1832 :

With respect to the charge shewing an undue preference to preachers of religion belonging to the established Churches of this country, it is so utterly at variance with the whole course of policy which it has been the object of any despatches to yourself to prescribe, that I cannot pause to repel it in any formal manner.

Message from His Excellency Sir John Colborne, to the Assembly of Upper Canada, 25th January, 1832 :

J. COLBORNE,

The Lieutenant Governor has received His Majesty's commands to make the following communication to the House of Assembly, in reference to the lands, which, in pursuance of the constitutional Act of this Province, have been set apart for the support and maintenance of a Protestant Clergy.

The representations which have at different times been made to His Majesty, and His Royal Predecessors, of the prejudice sustained by His faithful subjects in this Province, from the appropriation of the Clergy Reserves, have engaged His Majesty's most attentive consideration.

His Majesty has with no less anxiety considered how far such an appropriation of Territory is conducive, either to the temporal welfare of the Ministers of Religion in this Province, or to their spiritual influence. Bound no less by His personal feelings, than by the sacred obligations of that station to which Providence has called him, to watch over the interests of all the Protestant Churches within his Dominions; His Majesty could never consent to abandon those interests with a view to any objects of temporary and apparent expediency.

It has therefore been with peculiar satisfaction that in the result of His enquiries into this subject, His Majesty has found that the changes sought for by so large a proportion of the inhabitants of this Province, may be carried into effect without sacrificing the just claims of the established Churches of England and Scotland. The waste lands which have been set apart as a provision for

the Clergy of those venerable bodies, have hitherto yielded no disposable revenue. The period at which they might reasonably be expected to become more productive is still remote. His Majesty has solid grounds for entertaining the hope that, before the arrival of that period, it may be found practicable to afford the Clergy of those churches, such a reasonable and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

His Majesty, therefore, invites the House of Assembly of Upper Canada, to consider how the powers given to the Provincial Legislature by the Constitutional Act, to vary or repeal this part of its provisions, can be called into exercise most advantageously, for the spiritual and temporal interests of His Majesty's faithful subjects in this Province.

Government House, }
25th January, 1832. }

Extract from the Address of the Legislative Council of Upper Canada, to the King :

We look upon these allotments as the only resource from whence the Ministers of Religion can ever derive public support in this Colony. But while we decline to take part in any measure which would deprive the present and future generations of advantages, in their nature inestimable, and which we consider it to be among the first and most sacred duties of a Legislative body to ensure and perpetuate ; we nevertheless deeply regret, that the questions which have been agitated with respect to the Clergy Reserves should continue unsettled ; and we think it is for many reasons, much to be desired, that a speedy and final decision should take place of the questions which have arisen upon the effect of the Statute referred to, and that it should be plainly, certainly and firmly established, to what specific objects the Clergy Reserves shall be permanently applied. Confiding freely in the wisdom and justice of Your Majesty and of Parliament, we earnestly hope, that with as little delay as the subject may admit of, such an enactment may be passed as shall not leave any room for doubt or question, in regard to the objects to which the proceeds of the Clergy Reserves are to be applied, and that having regard to the present condition and future welfare of this colony, and maturely considering whatever has been urged, or may be urged in regard to these Reserves, Your Majesty and the Imperial Parliament will by some measure, which shall be final and unequivocal, make such an appropriation of them as shall appear to be most consistent with a due regard to religion, to the principles of our constitution, and to the permanent welfare and tranquillity of the Province.

Extract from Lord Glenelg's Instructions to Sir F. B. Head, on his assuming the Administration of the Government of Upper Canada :

The chief practical question then, which at present demands consideration, is whether His Majesty should be advised to recommend to Parliament the assumption to itself of the office of deciding on the future appropriation of these lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding.

FIRST—Parliamentary legislation on any subject of exclusively internal concern, in any British colony possessing a representative assembly, is, as a general rule, unconstitutional.

It is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justifies the exception. But important as is the question of the Clergy Reserves in Upper Canada, yet I cannot find in the actual state of the question any such exigency as would vindicate the Imperial

Legislature in transferring to themselves the settlement of this controversy.—The conflict of opinion between the two Houses upon this subject, much as it is to be lamented, yet involves no urgent danger to the peace of society, and presents no insuperable impediment to the ordinary administration of public affairs; although a great evil, it is not such as to exclude every hope of mitigation by the natural progress of discussion, and by the influence of that spirit which, in public affairs, not seldom suggests to parties, alike solicitous for the general good, some mutual surrender of extreme views and some compromise on either side of difference, which at first sight might have appeared irreconcilable.

Until every prospect of adjusting this dispute within the Province itself shall have been distinctly exhausted, the time for the interposition of Parliament will not have arrived, unless, indeed, both Houses shall concur in soliciting that interposition; in which event, there would of course be an end to the constitutional objections already noticed.

The second ground on which I think myself bound to abstain from advising His Majesty from referring this question immediately to Parliament, is that the authors of the constitutional act, have declared this to be one of those subjects, in regard to which the initiative is expressly reserved and recognized as falling within the peculiar province and the special cognizance of the local Legislature, although its ultimate completion is no less distinctly made to depend, in addition to the ordinary submission to His Majesty, on the acquiescence of the Imperial Parliament.

It is not difficult to perceive the reasons which induced Parliament in 1791, to connect with a reservation of land for ecclesiastical purposes the special delegation to the Council and Assembly of the right to vary that provision by any bill, which being reserved for the signification of His Majesty's pleasure, should be communicated to both Houses of Parliament for six weeks before that decision was pronounced. Remembering, it should seem, how fertile a source of controversy ecclesiastical endowments had supplied throughout a large part of the christian world, and how impossible it was to foretell with precision what might be the prevailing opinions and feelings of the Canadians on this subject at a future period, Parliament at once secured the means of making a systematic provision for a Protestant clergy and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society then in its infant state, and of which no human foresight could divine the more mature and settled judgment.

In the controversy, therefore, respecting ecclesiastical endowments which, at present divides the Canadian Legislature, I find no unexpected element of agitation, the discovery of which demands a departure from the fixed principles of the constitution, but merely the fulfilment of the anticipations of Parliament in 1791, in the exhibition of that conflict of opinion for which the Statute of that year may be said to have made a deliberate preparation. In referring the subject to the future Canadian Legislature, the authors of the constitutional Act must be supposed to have contemplated the crisis at which we have now arrived—the era of warm and protracted debate, which in a free government may be said to be a necessary precursor to the settlement of any great principle of national policy. We must not have recourse to an extreme remedy merely to avoid the embarrassment, which is the present, though temporary result of our own deliberate legislation.

I think, therefore, that to withdraw from the Canadian to the Imperial Legislature the question respecting the Clergy Reserves, would be an infringement on that cardinal principle of Colonial Government which forbids Parlia-

mentary interference, except in submission to an evident and well established necessity.

Despatch from Lord Glenelg to Sir F. B. Head, July, 1837 :

DOWNING-STREET, July, 1837.

Sir—I transmit for your consideration the enclosed copy of a petition to His late Majesty, from the delegates of the Presbyterian congregations in Canada, appointed to meet at Cobourg, which was placed in my hands by Mr. Morris, who is acting in this country as agent for the petitioners. I also enclose copies of two letters addressed to me by Mr. Morris on the 13th and 17th inst. I have laid this petition before the Queen, and have received Her Majesty's commands to instruct you to convey to the petitioners the assurance that Her Majesty's Royal Prerogative will invariably be exerted in maintaining, in Upper Canada, those rights with which the Churches of England and of Scotland are invested by law within the Province. It is the earnest desire of the Queen that all the various communities of Christians existing in that part of Her Majesty's dominions, may unite together in the spirit of mutual toleration and good will in the diffusion of the knowledge and the principles of Christianity.

Her Majesty is persuaded that it would be superfluous to lay on you Her injunctions to afford your utmost support and countenance towards the completion of an object the most important of any to which your well proved zeal for the public good could be directed.

With reference to the remarks which Mr. Morris has made respecting the unequal share which the Scots Church has hitherto received of the assistance of the Crown, you will acquaint the petitioners that the arrangements which have been made for the settlement of wild lands in Upper Canada, will hereafter render it impossible for Her Majesty's Government to redress that complaint, but that Her Majesty will gladly concur in any measure which the Legislative Council and Assembly may recommend for affording to the Church of Scotland, in the Province, the means of advancing the great work of religious instruction.

The design which Mr. Morris conceives to be entertained of excluding the ministers and members of the Scots' Church from a voice in the council of King's College will, I am convinced, not be adopted by you. On the contrary, you will, I am persuaded, exercise the patronage which the law has vested in you in that respect, in such a measure as effectually to remove any misgivings with which the petitioners may have been affected on that head.

I have, &c.

GLENELG.

To Sir F. B. Head.

[16] p. p. 20. Extract from the Address of the Wesleyan Methodist Conference to the King, 13th June, 1836 :

We also beg leave most humbly to represent to Your Majesty that we, together with the great majority of your loyal subjects, are conscientiously and firmly opposed to the recognition of any Church Establishment within the Province. It is, therefore, with extreme regret we have learned that during the past year fifty-seven Rectories have been established, and endowed out of the

lands set apart for the support of a Protestant Clergy, notwithstanding the wishes of its inhabitants, so often constitutionally expressed by petition, and through their representatives in the House of Assembly.

We should not discharge the duty we owe to Your Majesty in the present posture of the affairs of this Province, did we not most humbly and respectfully convey to Your Majesty our full conviction, that nothing could tend more directly to weaken the attachment of the people of this country to the parent state than the continuance of this system of exclusive patronage of any one church; nor could any measure more happily conduce to allay existing agitation and dissension, and to produce a more affectionate and enthusiastic devotion to Your Majesty's Government, than an assurance that this system will no longer be pursued.

Signed by order and on behalf of the Conference.

WM. LORD, President,

WM. CASE, Secretary.

[17] p. p. 20. Extract of a Despatch from Lord Glenelg, to Sir F. B. Head, dated

DOWNING-STREET, 6th July, 1837,

You are aware that your Despatch of the 17th December, 1836, contained the first official intimation which ever reached me, of the Rectories having been either established or endowed. The fact had been asserted in Parliament, but I was not only officially uninformed, but really ignorant that it had occurred—I therefore requested you to supply me with the necessary information, and until it reached me, in the month of February last, I was entirely destitute of all authentic intelligence, as to what had really been done. You will not, I trust, even for a moment suppose, that I refer, in the spirit of censure or complaint, to the silence of the Provincial Government on this occasion. It admits of an obvious explanation. The creation and endowment of the Rectories was almost the last act of Sir John Colborne's administration, and at that time you were actually on your way from New-York to Toronto. Your Predecessor probably assumed that the proceeding would be reported by you, he having at last, as it may well be imagined, scarcely leisure enough for the discharge of his many indispensable and urgent public duties. On the other hand, it is impossible not to respect the feelings, which indisposed you to enter on the subject. Regretting the measure itself, as creating a new embarrassment in your path at that time beset by difficulties of no ordinary kind, and naturally regarding it as irremediable, you preferred to contend with the obstacle silently, rather than to avail yourself of it either as an apology in the event of failure, or as enhancing your own merit in the event of success. To this generous solicitude for the credit of your immediate predecessor, I have always attributed your omission to report his proceedings with regard to the Rectories—and I fully admit, that, with the opinion which you entertained, and could scarcely have failed to entertain, as to the validity of the act itself, the motives for making it a subject of correspondence were but few and of no great weight. Although for the reasons to be subsequently stated, I am compelled to think that the creation and endowment of the Rectories, were not lawful or valid measures, yet it would be most foreign to my real intention, if I should be supposed to cast any doubt on the propriety of Sir John Colborne's conduct in reference to them.

That distinguished officer has given too many proofs of his devoted zeal for His Majesty's service and for the good of the King's subjects, to permit the admission of even a surmise injurious to his public spirit on this or any other occasion: and although I may differ from him in opinion as to the expediency of establishing the Rectories, especially at the moment chosen for that purpose, yet I am convinced that Sir John Colborne would, as readily as any other man, acknowledge that opposite views of the public interest upon any particular question may be entertained by men engaged in the same branch of His Majesty's service, without derogating in the slightest degree from their mutual esteem and confidence. Indeed, in proportion to the strength of those feelings will usually be the freedom with which such opposite views are avowed and discussed.

On receiving your Despatch of the 17th December, it appeared to me very questionable, whether any adequate legal authority existed for the creation or endowment of the Rectories. I did not indeed perceive any possible ground for disputing the right of the Lieutenant Governor in Council to proceed to that measure, if previously sanctioned by the King. But on referring to the commissions of Lord Aylmer and Gosford, to the general instructions accompanying them; to the correspondence between this department and the Provincial Government, and to the Minutes of the Executive Council of the 15th January, 1836, it appears to me that no such sanction had ever been given. The grounds of this opinion you will learn from the accompanying copy of the communication which I thought it necessary to address to the King's Advocate, and to the Attorney and Solicitor General.

The Law Officers of the Crown received that reference on the 12th April, and reported to me their answer on the 8th ultimo. The delay is readily accounted for by the great importance of the question, and by the anxiety of His Majesty's legal advisers to offer no immature judgment on such an occasion. I enclose for your information a copy of their Report. You will find that they declare their opinion to be that the erection and endowment of the fifty-seven Rectories by Sir John Colborne, are not valid and lawful acts.

[18.] p. p. 21. Despatch from Earl Bathurst, to Sir P. Maitland, directing *him* to form Rectories.

DOWNING-STREET, 22d July, 1825.

SIR—

I have received His Majesty's commands to direct, that you do from time to time, with the advice of the Executive Council for the affairs of the Province of Upper Canada, constitute and erect, within every Township or Parish, which now is, or hereafter may be, formed and constituted or erected within the said Province, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the Establishment of the Church of England, and that you do from time to time, by an Instrument under the Great Seal of the said Province, endow every such Parsonage or Rectory with so much or such parts of the land so allotted and appropriated as aforesaid, in respect of any lands within such Township or Parish, which shall have been granted subsequently to the commencement of a certain Act of the Parliament of Great Britain passed in the 31st year of the reign of His late Majesty King George the 3d, entitled 'An Act to repeal certain parts of an act passed in the 14th year of His Majesty's reign, entitled An Act for making more effectual provision for the Govern-

ment of the Province of Quebec in North America, and to make further provision for the Government of the said Province, or of such lands as may be allotted and appropriated for the same purpose, by or in virtue of any Instruction which may have been given by His said late Majesty before the commencement of the said Act, as you shall, with the advice of the said Executive Council, judge to be expedient under the existing circumstances or such Township or Parish.

You shall also present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England who shall have been duly ordained according to the rites of said Church, and supply from time to time such vacancies as may happen therein.

I have the honor to be. &c.

BATHURST.

Major General Sir Peregrine Maitland, K. C. B.
&c. &c. &c.

[19] p. p. 24. Extract from an Act of the Legislature of New-Brunswick, Incorporating Churches, passed 9th March, 1832:

An Act to repeal all the laws now in force relating to Saint Andrew's Church, in the City of Saint John, and for incorporating certain persons Pew-holders of the said Church, and of the several Churches erected or to be erected in this Province, in connection with the Church of Scotland—

Whereas, according to the forms and usages of the Church of Scotland as by law established, the spiritual and temporal affairs of the said Church are kept separate and distinct: and, whereas, the present Acts of Incorporation vesting the temporal affairs of Saint Andrew's Church, in the city of Saint John, in connection with the Church of Scotland, in the Minister and Elders of the said Church, is at variance with the forms and usages of the said Church of Scotland. And, whereas, it appears to be the desire of the members of the said Church in Saint John, and of a large majority of the Churches now established in this Province, in connection with the said Church of Scotland, to be incorporated in strict conformity with the forms and usages aforesaid, and to enable them to manage their temporal affairs in accordance therewith:

1. Be it therefore enacted by the Lieutenant Governor, Council and Assembly—That an Act made and passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, entitled "An Act to enable the Minister and Elders for the time being of the Church in connection with the Kirk of Scotland, lately erected in the city of Saint John, to hold the same to them and their successors for ever, and for other purposes therein mentioned;" and an Act passed in the fifty-eighth year of the same Reign, entitled "An Act to extend the powers of the Minister and Elders of the Kirk of Scotland in the city of Saint John," be, and the same are hereby repealed.



ADDITIONAL APPENDIX.

[No. 1. See Appendix, No. 4—p. xii.]

Speech of Mr. Wilmot Horton on the Report for the sale of the Canada Clergy Reserved Land, February, 1827 :

Mr. W. Horton proceeded briefly to state the nature of the Bill. The committee were aware, that there was a bill before the House relative to the appropriation of certain districts of land which had been reserved by the Canada Act of 1791, for the maintenance of the Clergy of the Church of England, officiating in Canada. The principle of that appropriation bill he would not commit on that occasion, as there existed some difference of opinion upon it. The object of the present bill was of another nature. The lands so reserved, were by the Canada Act, declared inalienable, and, on that account, had produced very little income for the purposes on account of which they had been reserved; though consisting of millions of acres, they had not, up to the present time, netted more than £400 a year. The object of the present bill was to get rid of part of them by sale, and to fund the produce for the purposes originally intended by the Canada Act. And here, he felt himself authorised to state, that the Government would have no objection to appropriate part of the profits to the maintenance of the Clergy of the Church of Scotland in Canada, as well as to the support of the Established Church—and the reason why such appropriation had not taken place before was, that the lands being inalienable, and, therefore, generally unproductive, did not bring such an amount of income as would be sufficient to support the Clergy of even the Established Church. The present bill, then, left the matter of appropriation still open. The progressive sale of lands was its sole object; and, as to the objection, that the maintenance of the Clergy of the Church of Scotland was not contemplated in that appropriation, he would read the House a letter on the subject from the Bishop of Quebec, which would set all doubt upon the point at rest: (Here the Right Honorable Gentleman read a letter from the Bishop of Quebec, the sum of which purported that in the writer's opinion, the maintenance of the Clergy of the Church of Scotland, out of the profits of the reserved lands, was warranted by the Act of 1791.) Besides the particular benefit derivable to the Clergy of Canada from the sale of part (100,000 acres) of these lands, and the funding of the proceeds, the general Colony would find the measure salutary to its effect on the improvement of such large tracts of ground."

[No. 2.]

Proceedings of the English and Scots Commissioners, appointed to treat of an Union, 10th November, 1702 :

At the Council Chamber, in the Cock Pit, }
Martis, 10 die Nov. 1702. }

In pursuance of Her Majesty's Commissions, under Her respective Great Seals of Scotland and England, and of Her Majesty's orders adjourning their

Meeting to this day, the Lords Commissioners of both Kingdoms met at the Council Chamber in the Cock Pit.

PRESENT.

SCOT.

Duke of Queensbury, Marquis of Annandale, Duke of Argyle, Earle of Seafield, Viscount of Tarbat, Viscount of Stair, Viscount of Roseberrie, Lord Boyle, Lord President of the Session, Lord Treasurer Deput, Lord Justice Clerk, Sir James Falconer, Douglas of Cavers, Sir David Dalrymple, Sir James Smallet, Sir Patrick Johnston, Mr. Montgomerie, Mr. Scrimgeor, Mr. Allardice.

ENGL.

Arch. Bishop of Canterbury, Lord Keeper, Lord President, Lord Privy Seal, Duke of Devonshire, Lord Chamberlane, Earle of Nottingham, Lord Bishop of London, Sir Charles Hedges, Lord Chiefe Justice Trevor, Mr. Chancellor of the Dutchy, Sir Christopher Musgrave, Sir John Cooke, Robert Harley, Esq. Charles Godolphin, Esq. Samuel Clerk, Esq.

After they had taken their places the Commissions were opened and read by the respective Secretaries.

The Lord Keeper of England addressing himself to the Lords Commissioners for Scotland, spoke in hæc verba :

My Lords—Wee the Commissioners for England do with great satisfaction meet your Lordships upon this occasion, hoping that by this Congress the great business for which Her Majesty has been pleased to grant these Commissions may be effected.

That England and Scotland already united in allegiance under one head, the Queen, may for ever hereafter become one people ; one in heart and mutual affections, one in interest, one in name, one in deed, a work which if it can be brought to pass, promiseth a lasting happiness to us all.

With great sincerity wee desire this Union, and wee meet your Lordships with hearts fully determined to enter upon such considerations and into such measures with your Lordships as are proper for bringing the same to the desired conclusion.

On our parts nothing shall be wanting that may conduce to a happy period of this great work.

To which my Lord Duke of Queensbury, on the part of the Lords Commissioners for Scotland, replied in hæc verba :

My Lords—The Union of the two Kingdoms has been much desired both before and since their being under one Sovereign, and I hope it is reserved to Her Majesty, for the glory of her Reign, to finish the design which hath been often attempted by Her Majesty's Predecessors.

My Lords—I do consider this Union to be highly advantageous for the peace and wealth of both Kingdoms, and a great security for the Protestant Religion every where—and I can assure your Lordships both for myself and the other Lords Commissioners for Scotland, that wee meet your Lordships with great regard and honour to your persons and with sincere intentions to advance this great design, and to accommodate any difficulties that may arise in the Treaty upon fair and reasonable termes.

Ordered that copies of the two Commissions be prepared, and signed by the respective Secretaries, to be interchanged at next Meeting.

Adjourned to Munday next, 16th instant.

The Speech of James Earl of Seafield, &c. Lord High Chancellor to the Parliament of Scotland, on Tuesday the third of July, 1705 :

MY LORDS AND GENTLEMEN—

Her Majesty in Her Most Gracious Letter, and my Lord Commissioner His Grace in His Speech, do propose these things to your consideration, which are of the greatest importance for the security of your Religion and Liberties: And Her Majesty is most willing to do all that is in Her power to promote the happiness and prosperity of all Her subjects.

For these ends, Her Majesty doth with great earnestness continue to recommend to you the settlement of the succession to the Crown in the Protestant line, as the surest measure for preserving all that is valuable to you, with regard either to your sacred or civil concerns: So long as this is delayed, the enemies of our present Establishment will continue their bad designs, and be ready to take the first opportunity to disturb the public peace. And when can you enter upon the deliberation of this matter with greater advantage than now, in Her Majesty's own time, and when you have assurances from Her of all encouragement, and that she is ready to grant such limitations and conditions of Government, with regard to the successor, as can be reasonably proposed, and will give Her Royal concurrence in every thing that can make this settlement advantageous to this nation.

Her Majesty doth also in Her Royal Letter, with great concern signify Her desire to prevent all differences that may happen between this Kingdom and that of England, and proposes the only expedient in this matter, the setting on foot a Treaty of Union, and of such other matters and concerns as may be for Her Majesty's Honor, and the good and advantage of both Kingdoms.

It is unquestionably the interest of both nations that they were more closely united, and that there were an entire communication of advantages and privileges, and that they both had the same interest, which would make this Island secure at home and formidable abroad. And you are assured of Her Majesty's Royal concurrence and assistance to make this Treaty effectual to the mutual advantage of both Kingdoms.

You will certainly think it reasonable to grant the needful supplies for maintaining the forces and the frigates, and for the other uses mentioned in Her Majesty's Letter—these being so necessary now in the time of war, for the support of Her Majesty's Government, and for the defence of this nation, against the attempts and designs of our enemies.

Extracts from the Articles of Union between England and Scotland.

ARTICLE 4.—That all the subjects of the United Kingdom of Great Britain shall, from and after the Union, have full Freedom and Intercourse of Trade and Navigation to and from any Port or place within the said United Kingdom, and the Dominions and Plantations thereunto belonging; and that there be a communication of all other Rights, Privileges, and Advantages, which do or may belong to the subjects of either Kingdom; except where it is otherwise expressly agreed in these Articles.

ARTICLE 25.—That all laws and Statutes in either Kingdom, so far as they are contrary to, or inconsistent with the terms of these Articles, or any of them, shall, from and after the Union, cease and become void, and shall be so declared to be, by the respective Parliaments of the said Kingdoms.

[No. 5.]

Extracts from the Scots and English Acts of Union :

Our Sovereign Lady and the Estates of Parliament, considering that by the late Act of Parliament, for a Treaty with England for an Union of both Kingdoms, it is provided—That the Commissioners for that Treaty should not treat of or concerning any alteration of the worship, discipline and government of the Church of this Kingdom as now by law established : which Treaty being now reported to the Parliament, and it being reasonable and necessary that the true Protestant Religion, as presently professed within this Kingdom, with the worship, discipline, and government of this Church, should be effectually and unalterably secured ; therefore, Her Majesty, with advice and consent of the said Estates of Parliament, doth hereby establish and confirm the said true Protestant Religion, and the worship, discipline, and government of this Church, to continue without any alteration to the people of this land in all succeeding generations.

And further, Her Majesty, with advice aforesaid, expressly declares, and statutes, that none of the subjects of this Kingdom, shall be liable to, but all and every one of them for ever free of any oath, test or subscription within this Kingdom, contrary to, or inconsistent with the foresaid true Protestant Religion, and Presbyterian Church government, worship, and discipline as above established ; and that the same within the bounds of this Church and Kingdom, shall never be imposed upon, or required of them in any sort. And lastly, that after the decease of Her present Majesty, (whom God long preserve) the Sovereign succeeding to Her in the Royal Government of the Kingdom of Great Britain, shall in all time coming at his or her accession to the Crown, swear and subscribe, that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant Religion, with the government, worship, discipline, right and privileges of this Church, as above established by the laws of this Kingdom in prosecution of the claim of right.

Declaring, nevertheless, that the Parliament of England may provide for the security of the Church of England as they think expedient, to take place within the bounds of the said Kingdom of England, and not derogating from the security above provided for establishing of the Church of Scotland within the bounds of this Kingdom ; as also the said Parliament of England may extend the additions and other provisions contained in the Articles of Union, as above insert, in favours of the subjects of Scotland, to and in favours of the subjects of England ; which shall not suspend or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the Parliament of Scotland.

And lastly, Her Majesty enacts and declares, that all Laws and Statutes in this Kingdom, so far as they are contrary to, or inconsistent with the terms of these Articles, as above-mentioned, shall from and after the Union, cease and become void.

And be it further enacted by the authority aforesaid—That after the demise of Her Majesty, (whom God long preserve) the Sovereign next succeeding to Her Majesty in the Royal Government of the Kingdom of Great Britain, and so for ever hereafter, every King or Queen succeeding and coming to the Royal Government of the Kingdom of Great Britain, at his or her Coronation, shall in the presence of all persons who shall be attending, assisting, or otherwise then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established within the Kingdoms of England and Ireland, the Dominion of Wales, and Town of Berwick upon Tweed, and the Territories thereunto belonging.

And it is hereby further enacted by the authority aforesaid—That the said Act passed in this present Session of Parliament, intituled, An Act for securing the Church of England as by law established, and all and every the matters and things therein contained, and also the said Act of Parliament of Scotland, intituled, An Act for securing the Protestant Religion, and Presbyterian Church government, with the Establishment in the said Act contained, be and shall for ever be held and adjudged to be, and observed as fundamental and essential conditions of the said Union; and shall in all times coming be taken to be, and are hereby declared to be essential and fundamental parts of the said Articles and Union; and the said Articles of Union so as aforesaid ratified, approved and confirmed by Act of Parliament of Scotland, and by this present Act, and the said Act passed in this present Session of Parliament, intituled, An Act for securing the Church of England as by law established, and also the said Act passed in the Parliament of Scotland, intituled, An Act for securing the Protestant Religion, and Presbyterian Church government, are hereby enacted and ordained to be and continue in all times coming the compleat and entire Union of the two Kingdoms of England and Scotland.

[No. 6.]

Speech of Queen Anne, to the first British Parliament :

On the 6th November, 1707, Queen Anne, being seated on the Throne, was pleased to say :

MY LORDS AND GENTLEMEN—

It is with humble thankfulness to Almighty God, and with entire satisfaction to myself, that I meet you here, in this First Parliament of *Great Britain*—not doubting, but you come with hearts prepared, as mine is, to make this Union so prosperous, as may answer the well-grounded hopes of all my good subjects, and the reasonable apprehensions of our enemies.

* * * * *

On my part, nothing shall be wanting to procure to my People, all the blessings which can follow from this happy circumstance of my Reign; and, to extinguish, by all proper means, the least occasions of jealousy, that either the Civil or Religious Rights of any part of this my United Kingdom can suffer by the consequences of this Union.

[No. 7.]

Extract from Mr. Secretary Macaulay's Letter, to the Rev'd Alex'r Gale,
Moderator of the Synod of Canada :

SIR—

GOVERNMENT HOUSE, }
Toronto, 2d July, 1838. }

I have had the honor to receive your letter of the 22d June, which I have laid before the Lieut. Governor, together with your former letter addressed to Mr. Joseph, in which you state, that the Commission of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland, have appointed certain of their members a deputation to wait upon the Lieutenant Governor, for the purpose of requesting such information as it might be in His Excellency's power to give respecting the intention of the Colonial Government of giving effect to the admissions which you state have been so long and so frequently made by the Ministers of the Crown in regard to the rights of the Church of Scotland in this Colony.

A copy of the Archdeacon's Report, which the Lieut. Governor believes has already been published, will be transmitted to you in a few days. A copy of Lord Glenelg's Despatch with its enclosures being the opinion of the Law Officers which was read at the interview on the 11th inst. I have now the honor to enclose ; and with reference to several remarks made thereupon by the deputation, I am directed to make the following observations :

1. The Deputation expressed themselves not to be convinced of the soundness of the opinion of the Law Officers, in favor of the legality of the endowments.

In furtherance of the kind disposition manifested by the Secretary of State, that if you should still feel it right to insist upon the further investigation of this question of law, and should be able to state any material facts, or to suggest any important argument which might have hitherto escaped notice, and would bring the same forward by petition, the Lieut. Governor will transmit the same to the Secretary of State, or, as His Excellency understood your desire was to have a judicial determination of the matter. He sees no legal objection to your instituting a proceeding in the Court of Chancery for the repeal of the patent of the endowment, or in any manner which you may be advised to adopt in any Court in the Province, in which the question can be legally entertained, from the decision of which Court an appeal can be had to the Judicial Committee of Her Majesty's Privy Council, to which allusion is made in the Despatch of the Secretary of State for the Colonies, of the ninth day of February, 1838.—(No. 20.)

If the opinion of the Law Officers had been against the legality of the endowment, His Excellency would probably have directed such a proceeding at the suit of the Crown. But Her Majesty's Government now conceiving the act legal, the burden of instituting the suit is unavoidably cast on those who wish to avoid the Patents.

[No. 8.]

Notice of the Constitution of Lower Canada Clergy Corporation, copied from the Quebec Gazette : [*Vide* Letter, p. 6.]

CLERGY RESERVES.

His Majesty having been graciously pleased to erect and constitute a Corporation, consisting of the Bishop of this Diocese and the Clergy of the Church

of England holding Benefices within this Province, for the superintending, managing and conducting the Reserves made or to be made for the support of a Protestant Clergy within the Province, Public Notice is hereby given, that all Leases of such Reserves will in future be granted by the said Corporation—and that applications for the same are to be made either to the Secretary of the Corporation at Quebec, or to the Clergyman of the Church of England residing nearest to the lot to be applied for:—

Notice is also further given to those persons—whether holding Clergy Reserves under Lease or occupying them without title, who are in arrear in the payment of rent for the lots respectively held by them, that the Ministers of the Church of England residing nearest to such lots are severally authorized on the part of the Corporation to receive arrears of Rent, or in cases where such arrears shall be large, to compound for them: such composition to be subject to the approbation of the Principal and Directors of the Corporation:—

And all persons, so in arrear, are called upon to make payment forthwith accordingly, and to prevent, thereby, the necessity of further proceedings against them.

By order of the Corporation,
Quebec, 18th June, 1820.

ANDREW WM. COCHRAN,
Sec'y.

[No. 9.]

Extracts from the Report of the Select Committee of the Legislative Council of Upper Canada, on the state of the Province, in 1833, adopted by the Council:

Your Committee have been led to discuss so much at large those subjects which engross attention at the present moment, that they can scarcely do more than allude to some other matters, which are too important, nevertheless, to be wholly omitted, in a review of the political state of this Province.

It is in their opinion exceedingly to be regretted, that the questions which have been agitated respecting the Clergy Reserves are still open, and apparently with as little prospect of a final settlement as at any former period.

It is most earnestly to be desired, that the discussions and expectations upon this subject should be brought speedily to a close by some final measure, for it is painful to observe their tendency to produce bitterness of feeling among the different religious denominations, and to place in unfriendly opposition to each other, men who would be otherwise united in maintaining a just respect for our Government and laws.

[No. 10.]

Resolutions proposed in the Assembly of Upper Canada, in 1823, by
Mr. Morris:

Resolved—That when the Kingdoms of England and Scotland were united, the Subjects of both were placed upon a footing of reciprocity, and were to enjoy a full communication of every right, privilege, and advantage, and that

neither the Church of the one nor the other thereby gained any ascendancy—on the contrary, that both were established by law as National Protestant Churches within their respective Kingdoms, and consequently the Clergy of both are equally entitled to a participation in all the advantages which have resulted, or may hereafter result from the said Union.

Resolved—That the Provinces of Canada were wrested from the Dominions of France, by the United exertions of Great Britain and Ireland, and that the Churches of England and Scotland had at the conquest thereof, an equal claim to enjoy the advantages which might be derived from the said conquest.

Resolved—That by the Act of the British Parliament, passed in the 31st year of His late Majesty's Reign, the Governor, Lieutenant Governor, or person Administering the Government of this Province, was authorised to set apart a portion of one-seventh of the Lands for the support and maintenance of a Protestant Clergy.

Resolved—That if His late Majesty, when he graciously authorised an appropriation of Land for the support and maintenance of a Protestant Clergy in this Province, did not contemplate a provision for the Clergy of the Church of Scotland, that they ought now to come under His Majesty's most favorable consideration, by being otherwise provided for.

Resolved—That an humble Address be presented to His Majesty, founded on the foregoing Resolutions, praying that His Majesty will be graciously pleased to direct such measures as will secure to the Clergy of the Church of Scotland, residing, or who may hereafter reside in this Province, such support and maintenance as His Majesty shall think proper.

[No. 11.]

Minute in Council authorising the establishment of Rectories in Upper Canada, with extract from the confidential Despatch, upon which the Council acted, as communicated by His Excellency Sir George Arthur, to the Assembly of Upper Canada :

(Copy.) EXECUTIVE COUNCIL CHAMBER, }
Toronto, Friday, 15th January, 1836. }

Present—The Honorable Peter Robinson, Presiding Coucillor, George H. Markland, Joseph Wells.

To His Excellency Sir John Colborne, K. C. B. Lieutenant Governor of the Province of Upper Canada, and Major General Commanding His Majesty's Forces therein. &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY—

Pursuant to the views of Lord Goderich, shewn by his Despatch of the 5th April, 1832, in which he concurs with Your Excellency, and expresses his desire "that a moderate portion of Land should be assigned in each Township or Parish for insuring the future comfort, if not the complete maintenance of the Rectors," the Council caused the necessary steps to be taken, for the purpose of setting apart lots in each Township throughout the Province.

Much delay has been caused by their anxiety to avoid interfering with persons who might have acknowledged claims to any of the Reserves to be selected, either for lease or purchase.

A difficulty in completing what His Lordship most appropriately calls "this salutary work," was, also, caused by the Crown Officers not concurring in the form to be used in the Instrument by which the endowment is to be confirmed, which left the Council to decide as to the mode to be adopted for that purpose.

These obstacles have now been surmounted, and it is respectfully recommended that no time be lost in authorizing the Attorney General to prepare the necessary instruments to secure to the incumbents named in the annexed Schedules, and their successors, the lots of land there enumerated as having been respectively set apart for glebes.

All which is respectfully submitted.

(Signed)

PETER ROBINSON, P. C.

(Signed,)

J. C.

(Copy)

Extract from Lord Goderich's confidential Despatch to Lieut. Governor Sir John Colborne, dated Downing-street, 5th April, 1832.

"And I am happy to find that your practical views, founded upon personal knowledge and experience, are so coincident with those which, upon a more speculative view I had been led to entertain. I quite concur with you in thinking that the greatest benefit to the Church of England would be derived from applying a portion at least of the funds under the control of the Executive Government, in the building of Rectories and Churches; and I would add, in preparing, as far as may be, for profitable occupation, that moderate portion of land which you propose to assign in each Township or Parish for ensuring the future comfort, if not the complete maintenance of the Rectors. With this view it appears so me that it would be most desirable to make a beginning in this salutary work."

[No. 12.]

Case submitted by Lord Glenelg, to the Law Officers of the Crown in England, for their opinion as to the validity of the Rectories:

(Copy)
Immediate.

DOWNING-STREET,
12th April, 1832. }

SIR—The Statute 31st Geo. III, cap. 31, sec. 38, enables His Majesty to authorise the respective Governors of Lower Canada and of Upper Canada, with the advice of the Executive Council, to constitute within each Township or Parish a Parsonage or Rectory according to the establishment of the Church of England, and to endow every such Parsonage or Rectory with so much of the Clergy Reserves as the Governor, with the advice of the Council, shall judge to be expedient under the then existing circumstances of such Township or Parish.

The Governor's Commission, dated 6th July, 1835, following in this respect the ancient and established form, authorises the Governor, or in his absence the Lieut. Governor, with the advice of the Executive Council, to erect Parsonages in each Township or Parish according to the establishment of the Church of England, and to endow any such Parsonage or Rectory with any part of the Clergy Reserves, "subject, nevertheless," (to quote the precise words of the Commission) "to such instructions touching the premises as shall or may be given you by us under our signet and sign manuel, or by our order in our Privy Council, or through one of our Principal Secretaries of State."

Thus the authority which His Majesty was enabled by Parliament to impart to the Governor was, in fact, so imparted to him subject to the King's further instructions.

From the date of the Statute 31st Geo. III. until the year 1835, the power of constituting and erecting Parsonages or Rectories, was never exercised in Upper Canada. But at the close of that year it was called into exercise by the then Lieut. Governor Sir John Colborne. The intention to adopt this measure was not communicated by Sir John Colborne to His Majesty's Government, nor was the measure itself ever reported by that Officer, having been taken immediately before his resignation of the Government into the hands of his successor Sir Francis Bond Head. The total number of Rectories thus established appears to have been fifty-seven.

Having recently received from Sir Francis Head a Report on the subject, enclosing the Minutes of the Executive Council of Upper Canada, of 15th Jan. 1836, I enclose a copy of those Minutes. You will perceive from them that the Council founded their recommendation of this measure on a Despatch from Lord Goderich, of 5th April, 1832, from which they quote one passage.— That passage, however, is not accurately described. Lord Goderich is represented in the Minutes as expressing his desire "that a moderate portion of land should be assigned in each Township or Parish, for ensuring the future comfort, if not the complete maintenance of the Rectors." On referring to the Despatch itself, it appears that it expressed His Lordship's opinion that the greatest benefit to the Church of England would be derived from applying a portion at least of the Funds under the control of the Executive Government, "in preparing as far as may be practicable for profitable occupation that moderate portion of land which you (Sir John Colborne) propose to assign in each Parish for increasing the future comfort, if not the complete maintenance of the Rectors."

The distinction between the Earl of Ripon's language and the terms in which it is thus quoted, is important. It conveys no signification of His Majesty's pleasure, nor indeed any instruction, respecting the erection of Parsonages and Rectories, nor even with regard to the grant of land for the maintenance of the Clergy. The main subject of the passage is the application of certain funds in preparing for profitable occupation certain lands, and those lands are indicated merely by a passing reference to some intention entertained and announced by Sir John Colborne. The records of this Office contain no Despatch from Sir John Colborne, in which any allusion is made to the subject.— It may therefore be inferred that Sir John Colborne's intentions were made known to Lord Ripon through some private and unofficial channel.

The Council, however, appear to have understood Lord Ripon's expressions, as such an intimation of the King's pleasure as would justify the erection and endowment of fifty-seven Rectories. That the words were not designed by His Lordship to be so understood, may with some confidence be inferred from the following circumstance. The Statute 31st Geo. III. sec. 36 to 40 enables

the Provincial Legislature on certain conditions to repeal so much of that Act as relates to the Clergy Reserves. On the 21st Nov. 1831, that is six months before the date of the Despatch to which reference is made by the Executive Council, Lord Ripon addressed to Sir John Colborne a Despatch in which the Provincial Legislature were invited to exercise this power, and he expressly recommended that the repeal should embrace all the clauses in question, amongst which are included those which relate to the erection and endowment of Rectories. The Despatch of 5th April, 1832, was marked "confidential," and it would seem impossible that Lord Ripon could have designed by such a communication to convey to the Lieut. Governor the King's sanction for neutralizing to a considerable extent the effect of that repeal which, five months before, His Lordship had recommended in a public Despatch.

I enclose for your perusal copies of the two Despatches of 21st November, 1831, and of the 5th April, 1832.

The questions which I would propose for your consideration are the following:—

First—Adverting to the terms of the Statute 31 Geo. III. cap. 31, sec. 36 to 40, and to the terms of the Royal Commission, could the Lieut. Governor, with the advice of the Executive Council, lawfully constitute, and erect or endow any Parsonage or Rectory within the Province, without the further signification of His Majesty's pleasure?

Secondly—Can Lord Ripon's Despatch of 5th April, 1832, be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of those purposes?

Thirdly—Are the erection and the endowment of the fifty-seven Rectories, by Sir John Colborne, valid and lawful acts?

Fourthly—If the preceding questions be answered in the affirmative, have the Rectors of Parishes so erected and endowed, the same ecclesiastical authority within their respective limits as are vested in the Rector of a Parish in England, or within what other bounds is that authority restricted?

You will have the goodness to consider these questions in consultation with the King's Advocate and Mr. Solicitor General, and report to me your and their joint opinion upon them,

(Signed)

GLENELG.

[No. 13.]

Opinion delivered on the above case, dated Doctors' Commons, 3th June, 1837.

In obedience to your Lordship's commands, we have considered the several questions, and have the honor to report, that adverting to the terms of the Statute 31st Geo. III. cap. 31, sec. 36 to 40, and to the terms of the Royal Commission, we are of opinion, that the Lieut. Governor, with the advice of the Executive Council, could not lawfully constitute and erect or endow any Parsonage or Rectory within the Province, without the further signification of His Majesty's pleasure.

Secondly—We are of opinion that Lord Ripon's Despatch of the 5th of April, 1832, cannot be regarded as signifying His Majesty's pleasure for the

erection of Parsonages, or for the endowment of them, or for either of those purposes.

Thirdly—We are of opinion, that the erection and the endowment of the fifty-seven Rectories, by Sir John Colborne, are not valid and lawful acts.

We have, &c.

(Signed)

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J. DODGSON,
J. CAMPBELL,
R. M. ROLFE.

[No. 14.]

Extract from the Royal Instructions, to the Governors of Canada :

47. You shall recommend to the Legislative Council and General Assembly of the Province of Upper Canada, to settle the limits of Parishes in such manner as may be deemed most convenient.

* * * * *

52. You are not to present any Protestant Minister to any Ecclesiastical Benfice within our said Province, by virtue of the said Act, passed in the thirty-first year of our Reign, and of our Commission to you, without a proper certificate from the Bishop of Quebec, or his Commissary, of his being conformable to the doctrine and discipline of the Church of England.

[No. 15.]

Second opinion given by the Law Officers of the Crown, on the subject of Rectories, wherein they affirm the *validity* of the Endowments in point of law, but maintain the *insufficiency of the authority to which alone the order in Council referred, as the foundation of the measure* ;

DOCTORS' COMMONS, 24th January, 1838.

My Lord—We are honored with your Lordship's commands, signified in your letter of the 19th ult. transmitting several documents which were referred to us on the 12th April last, on the subject of endowment of certain Rectories in the Province of Upper Canada ; also enclosing a copy of the Report made by us in answer to that reference with copies of a correspondence which has since taken place on this subject, between your Lordship and the Lieutenant Governor of Upper Canada, also enclosing a copy of the Commission under which the Government of the Province was administered in the month of January, 1836, when the Order of the Lieut. Governor in Council respecting those Rectories was made.

Adverting to these various documents, and especially to the Report of the Archdeacon of Toronto, accompanying Sir F. B. Head's Despatch of the 13th of October, your Lordship is pleased to request that we should report our joint opinion, whether the addition of the *material fact* now communicated to us af

fects the conclusion which we adopted and reported to your lordship on the 8th of June, and if so, that we would report the answer which we would now give to the questions proposed in your Lordship's letter of the 12th of April, viz :—

First—Adverting to the terms of the Statute 31st Geo. III. cap. 31, sec. 36 and 40, and to the terms of the Royal Commission, could the Lieutenant Governor, with the advice of the Executive Council, lawfully constitute and erect or endow any Parsonage or Rectory within the Province, without the further signification of His Majesty's pleasure.

Secondly—Can Lord Ripon's Despatch of the 3d of April, 1832, be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of these purposes.

Thirdly—Are the erection and the endowment of the fifty-seven Rectories, by Sir John Colborne, valid and lawful acts.

Fourthly—If the preceding questions be answered in the affirmative, have the Rectors of the Parishes so erected and endowed, the same Ecclesiastical authority within their respective limits, as are vested in the Rector of a Parish in England, or within what other bounds is that authority restricted.

In obedience to Your Lordship's commands, we have the honor to report, that adverting to the various documents, and especially to the instructions contained in Lord Bathurst's Despatch to Sir P. Maitland, of the 22d of July, 1825, referred to in the Report of the Archdeacon of York, (Toronto) and also to the terms of the Royal Commission, the whole of which is now before us, we are of opinion : 1.—That the Lieutenant Governor, with the advice of the Executive Council, could lawfully constitute and erect or endow any Parsonage or Rectory within the Province, without the further signification of His Majesty's pleasure. 2.—We are of opinion that Lord Ripon's Despatch of the 5th April, 1832, cannot be regarded as signifying His Majesty's pleasure for the erection of Parsonages, or for the endowment of them, or for either of those purposes. 3.—We are of opinion that the erection or endowment of the fifty-seven Rectories, by Sir John Colborne, are valid and lawful acts. We are of opinion that the Rectors of the Parishes so erected and endowed, have the same Ecclesiastical authority within their respective limits, as are vested in the Rector of a Parish in England. We have the honor to be, &c.

(Signed)

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J. DODGSON,
J. CAMPBELL,
R. M. ROLFE.

To the Right Hon. Lord Glenelg, &c. &c. &c.

[No. 16.]

Petition of the Clergy of the Church of England.

To the Honorable the Commons House of Assembly, in Provincial Parliament Assembled :

The Petition of the Clergy of the Established Church Assembled under the authority of the Lord Bishop of the Diocese—

MOST HUMELY SHEWETH—

That by the Act of the 31st Geo. III. chap. 31, one-seventh of the lands of this Province has been set apart for the support of a Protestant Clergy

therein :—That your Petitioners, after a careful and patient investigation of all the arguments which have been advanced on the subject of this Reservation, continue not only unchanged, but more confirmed, in the opinion that the Clergy Reserves were, by that Act, designed solely and exclusively for the Church of England—

That Your Petitioners, from a careful examination of that Act, and of every authority which can be brought to illustrate it, can arrive at no other conviction than that the power delegated therein to the Provincial Legislature, “ To vary or Repeal” its provisions, has no application to the Reservations of Land which have already been made, but can be construed merely into a permission to vary the amount of appropriation, or regulate it for the future—

That, whereas, doubts have been raised as to the legality of the exclusive claim of Your Petitioners to the Clergy Reserves, they have uniformly expressed a willingness to submit the question to a Judicial Tribunal, competent to pronounce a decision, and respectfully to yield to the judgment which, in such case, should be awarded—That against any proposal for the settlement of this question, which should go to alienate the Clergy Reserves from the original object of their appropriation, the religious instruction of the people of this Province, Your Petitioners feel bound, by a most solemn sense of duty, to record their decided protest—

That with a view to the settlement of this question, any plan for the division of this property, amongst various sects and denominations, which would directly compromise the principles as well as interests of the Established Church, endanger the cause of Protestantism, and lead to a religious discord, which must prove the fruitful and permanent source of civil dissension, Your Petitioners are constrained from an equal sense of duty to oppose—

That Your Petitioners feel bound to express it as their decided conviction, that the agitation which has ensued from the discussion of this question, and the excitement of which it has been rendered the instrument, are not to be ascribed to the simple merits of the question itself, but to the misrepresentation and abuse of the public mind, which, in many cases, for interested and unhallowed purposes, have industriously been made—

That although, in the opinion of Your Petitioners, the operation of the Act for the appropriation of the Clergy Reserves, as understood by themselves, could not possibly prove a grievance, but a blessing of the highest order to the community, they do not view without pain and anxiety the political disquiet and religious animosity to which the agitation of this question has unhappily given rise, and that they are most desirous of its adjustment, upon some basis which may secure the peace as well as promote the religious interests of the country—

That from the influence of conflicting prejudices and interests, Your Petitioners are firmly of opinion that an impartial, equitable, and satisfactory adjustment of the question of the Clergy Reserves, cannot be expected from the Provincial Legislature—

That Your Petitioners not deeming themselves competent to make any concession which may compromise, or appear to compromise, in any degree, the interest of the Church and their successors in the Ministry, earnestly pray, for the sake of peace, a judicial decision of the question before a competent tribunal, either the Judges of England or the Judicial Branch of Her Majesty’s Most Honorable Privy Council, or should this their honest prayer be found, after every effort unavailing, that then an Act be passed by the Provincial Legislature, re-investing the Clergy Reserves in the Queen, in Parliament, to be appropriated for the support of a Protestant Clergy, according to the spirit and intention of the Constitutional Act. Your Petitioners, therefore, most earnestly entreat

Your Honorable House to use Your influence to procure such a legal decision—
And Your Petitioners, as in duty bound, will ever pray. In the name and on
behalf of the Clergy of Upper Canada.

G. MONTREAL,
GEO. OKILL STUART, L. L. D.
Archdeacon of Kingston.

JOHN STRACHAN, D. D. L. L. D.
Archdeacon of York.

Toronto, 11th October, 1839.

[No. 17.]

Letter from Mr. Macaulay, Civil Secretary, communicating the Reply of
Her Majesty's Government, to a Memorial from the Clergy of the Church
of England, in Canada, adopted at the same time, and in the same
terms, as the above Petition to the Assembly:

GOVERNMENT HOUSE, Toronto, 25th Feb. 1839.

Sir—I am commanded by the Lieut. Governor to inform you, that His Ex-
cellency having duly transmitted to the Secretary of State for the Colonies the
Address from the Bishop of Montreal, and Clergy of the Church of England in
Upper Canada, praying for a Judicial decision respecting the Clergy Reserves,
either before the Judges of England, or before the Judicial Committee of Her
Majesty's Privy Council, His Excellency has received a Despatch, dated 15th
ult. stating that as Her Majesty's Government see no reason to doubt the cor-
rectness of the opinion delivered on this subject in 1819 by the Law Officers of
the Crown, they do not consider it necessary to originate any proceedings on
the subject before the Judges of England, or the Privy Council. I have the
honor to be, Sir, your most ob't serv't,

JNO. MACAULAY.

The Hon. and Ven. the Archdeacon of York.

[No. 18. *Vide* Letter, p. 25.]

Report on School Lands.

The Committee appointed to consider and report on the Documents sent
down to this House by His Excellency the Lieut. Governor, on the subject of
School Lands, respectfully beg leave to make this their first Report:

Your Committee, upon a perusal of these important papers, learn that in
the year 1797 the Legislative Council and House of Assembly of this Province
passed a joint Address to His Majesty " imploring that His Majesty would be
graciously pleased to direct the appropriation of a certain quantity of the waste
lands of the Crown as a fund for the establishment and support of a respectable

Grammar School in each District thereof, and also of a College or University for the instruction of youth in the different branches of liberal knowledge." To which His Majesty was graciously pleased to express his intention "to comply with the wishes of the Legislature of his Province of Upper Canada in such manner as should be judged to be the most effectual—First, by the establishment of Free Grammar Schools in those Districts, in which they are called for, and in due process of time, by establishing other seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the Arts and Sciences." For which purpose, Mr. President Russell was directed "to consult the members of the Executive Council and the Judges and Law Officers of the Crown and to report in what manner and to what extent a portion of the Crown Lands might be appropriated and rendered productive towards the formation of a fund for these purposes, out of which His Majesty might allot such salaries as he should judge proper for the school masters of such Free Schools as should thereafter be appointed. And on the 1st Dec'r, 1793, the Executive Council reported to Mr. President Russell—"That an appropriation of 500,000 acres, or ten townships, after deducting the Crown and Clergy sevenths, would be a sufficient fund for the establishment and maintenance of the Royal Foundation of four Grammar Schools, and an University in the Province of Upper Canada," and that the proposed School Fund should, when raised, be applied : 1. For the erection of the necessary buildings.— 2. For the payment of the salaries of the masters. 3. For keeping the buildings in repair and the purchase of books and philosophical apparatus, and that £3,000 currency be applied to erect each building, and £180 per annum for the establishment and support of a Free Grammar School in each District.

The Council also reported that the Towns of Cornwall, Kingston, Newark, and Sandwich, were at that time the most proper places for the sites of four schools, first necessary, and that the Town of York was the most suitable for a University, and that two of the schools, namely, at Kingston and Newark, should be commenced first, and that whenever the appropriated fund should be found sufficient, not only to bear the expense of the erection and endowment of those two schools, but also to leave a residue sufficient for the establishment and future maintenance of a seminary of a larger and more comprehensive nature, that steps should be taken to endow the two other schools. The Executive Council also recommended that the provision for the establishment and maintenance of the University, should at least be equal to that for the four schools taken together.

Your Committee, upon looking over the remaining Documents which His Excellency had the goodness to communicate to this House, are informed that the attention of the Council was again directed to the School Land Reservation, on the 7th January, 1819, and that they reported to His Excellency, Sir P. Maitland, that no trace of any answer to the report of the Council of 1st Dec'r, 1798, could be found in the Council Office ; that as they were of opinion with the Attorney General that the appropriation of land was not sufficiently sanctioned to authorise a grant in other portions than limited by His Majesty's Commission, they thought it proper to recommend that His Excellency should call the attention of His Majesty's Government to a formal sanction to sell, lease, grant and dispose of the said 500,000 acres of land for the purpose of establishing a University in this Province, endowed by Royal Charter, as provision for District Schools was not, by them, thought necessary out of this fund, as it had been already made by the Legislature, and that in order to construct the necessary building the sum of £10,000 would be required, with an endowment of £4,000 per annum, for the payment of salaries.

From this condensed view of the proceedings of the Executive Council on the munificent provision for the diffusion of education in this Province, the Com-

mittee are struck with the singular fact that no apparent benefit has resulted to the inhabitants of the country from the school reservation for a period of thirty years, and that the original intention of the Legislature expressed in the Joint Address to His Majesty, as well as His Majesty's most gracious desire to meet their wishes by the establishment of free Grammar Schools in those Districts in which they are called for, and in due process of time to establish other seminaries of a more extensive nature; have hitherto, as far as your committee can judge, been lost sight of, and for no other reason that your committee can discover, than that a school has by an act of the Legislature been already established in each District with a salary of £100 to the master. But this very limited provision, your committee respectfully submit ought not to deprive the people of their just claim to a participation in the benefits of the school lands, and to that end the committee suggest that the Legislature ought now to address His Majesty setting forth the great value of these lands and the ample means which they afford to carry into effect the benevolent intentions of his late Royal Father, by an endowment from their proceeds, for each District, of at least £400, which added to the present appropriation would support eleven respectable seminaries where the youth of the Province generally might receive a liberal education without being removed many hundred miles from the tender care and watchful authority of their Parents, as must be the case if these lands are exclusively applied to establish and support King's College, or any other extensive university which can only be viewed as of benefit to those whose wealth enables them to bear the great expense of sending their children to the capital of the Province—Your Committee also recommend, that besides the above endowment, the sum of £2,000 might be set apart for the annual support of a Provincial Seminary at York, whether called Upper Canada College, or by any other name, and that a suitable sum should be expended to erect the necessary buildings, and also to defray the expense of buildings for the Free Grammar Schools.

That besides these endowments, your committee are of opinion, that the great value and extent of the reservation will afford the means of providing a salary of £50 each to the teachers, of at least twelve township schools, in each District, and thus give to Upper Canada a system of Education that might well be envied by any other Colony in His Majesty's dominions.

The data upon which Your Committee have made the foregoing suggestions are the following, viz: That the whole reservation of 549,217 acres, if sold, at the average price of 10s. per acre, would give a capital of £274,608, producing, if invested at the rate of five per cent interest, an annual income of £13,730, a sum sufficient to endow the schools, which your committee conceive to be necessary, besides leaving an important balance to defray the expense of the sales and collecting the money:

Eleven Grammar Schools at £400, is	-	-	-	£4,400	0	0
1 College at York,	-	-	-	2,000	0	0
132 Town'p Schools, being 12 in each District, £50 each	-	-	-	6,600	0	0
Balance,	-	-	-	730	0	0

£13,730 0 0

Your Committee, in assuming that these lands will sell at the above rate, conceive that they have much underrated their actual value, as it is generally understood that the Council of King's College, have estimated 225,273 acres of Crown Reserves, which were exchanged for and now form a part of the School reservation as worth £1 per acre.

Your Committee, taking all the circumstances of this highly important subject into their most serious consideration, and averse to an extensive endow-

ment out of this fund to King's College, or any other University, until the original intention of founding a Free Grammar School in each District, has first been carried into effect, earnestly recommend to the House that an humble Address be forthwith transmitted to His Majesty representing the manifest injury that is inflicted on the Inhabitants of this Province by the endowment of the best half of the School Reservation for the establishment of a Seminary far exceeding the wants of the country, and solemnly beseeching His Majesty to listen to the anxious desire of His faithful subjects in Upper Canada, by arresting the Alienation of these lands from their original purpose, and placing them under the control of the Legislature—and for this object your committee submit the following Resolutions for the consideration of the House.

All which is respectfully submitted,

W. MORRIS, Chairman.

Committee Room, House of Assembly, 23d Feb. 1831.

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THE
CLERGY RESERVE QUESTION;

AS A

MATTER OF HISTORY—A QUESTION OF LAW—AND
A SUBJECT OF LEGISLATION;

IN A SERIES OF

L E T T E R S

TO THE

HON. W. H. DRAPER, M. P. P.

MEMBER OF THE EXECUTIVE COUNCIL, AND HER MAJESTY'S SOLICITOR
GENERAL OF UPPER CANADA.

BY EGERTON RYERSON.



"The most just Law, established by the provident Wisdom of Princes, doth
appoint, that what concerns all, should be approved by all."—*Writ of Summons
to the Parliament of the twenty-third of Edward the First.*



TORONTO:

J. H. LAWRENCE, PRINTER, GUARDIAN OFFICE.

1839.

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CLERGY RESERVES AND RECTORIES.



No. I.

Toronto, Sept. 3, 1838.

*To the Hon. W. H. DRAPER, M. P. P., and Member of
the Executive Council, &c. &c. &c.*

SIR :

As the constitutional adviser of the Crown, as well as representative of the metropolis in the Commons House of Assembly, and as a gentleman who has avowed enlightened and liberal principles of government in relation to the religious and educational interests of this Province, I take the liberty to address to you a series of letters on that all-important and deeply interesting subject. From this task I should have been happy to have been altogether relieved; but late events leave me without choice, and forbid any longer delay.

I take for granted that the moral elevation, general education, the union and prosperity of the inhabitants of this Province, is an object of the highest importance in the estimation and exertions of the Christian, the Statesman, and the Patriot.

The question then is, In what way can that Christian and patriotic object be most safely and effectually accomplished? I answer, as far as civil legislation is concerned.

1. By placing all religious classes of the population upon an equal footing in regard to their means and facilities of acquiring and communicating religious and educational instruction, and by equally protecting and countenancing them to the utmost of the means and power of the Legislature.

2. By affording to all classes equal inducements to love and support the institutions under which they live.

The object proposed is common to every good man ; and the means suggested can, in my judgment, be as effectually employed under our present form of government as under any other ; and it is in connexion with our present form of government, and with an ultimate view to its strength and perpetuity, that I suggest those means.

Under the strong conviction of the correctness and importance of the principles and opinions above stated, I protest against the establishment of fifty-seven Rectories of the Church of England—against the erection of a Dominant Church or Churches in Upper Canada—and against the appropriation of the proceeds of the Clergy Reserves to any partial or exclusive purposes.

With a view of bringing this important and long agitated question fairly and fully under public consideration, in order to promote in some humble degree its final adjustment, I crave attention to—

1. The nature of the question at issue between the Episcopal Clergy and the other classes of the community ; or I may say, the inhabitants of Upper Canada ; for I believe a majority of the members of the Episcopal Church agree with their fellow-subjects in this matter.

2. The origin and history of the Dominant Church and Clergy Reserve controversy.

3. The arguments of the Episcopal Clergy in support of their pretensions and system, and the answers to them.

4. The religious and political effects of the system advocated by other classes of the population.

I will do no more at present than *state the question at issue.*

Let it then be observed—First, that this question has nothing to do with the existence of an ecclesiastical establishment in Great Britain and Ireland. Thousands who are friendly to the Church Establishment of Great Britain and Ireland, are opposed to the erection of a Dominant Church or Churches in Canada. The Methodist Conference, in its Memorial to His late Majesty on this subject, dated 8th September, 1831, stated—“Of the many reasons which have been and may be adduced for an Ecclesiastical

Establishment in Great Britain, your Memorialists would not presume to express an opinion ; but they now feel it their duty most respectfully to submit to your Majesty that the erection or continuance of an Ecclesiastical Establishment in Upper Canada, embracing one or more Churches, with peculiar immunities and advantages in the direction of education, &c., is fraught with consequences highly injurious to the interests of the *State* and of *Religion* in the Colony." The same Conference, at its annual session in 1837, repeats, and assigns various reasons for the expression of its "decided conviction of the inexpediency of the establishment of one or more Churches in this Province with exclusive rights and privileges, however well suited such an establishment may be to the condition of the Mother Country, where it is distinctly recognized by the Constitution of the Government, is sanctioned by various legislative enactments, and includes a majority, and is desired by the great body of the nation."

Neither, secondly, is the question as to whether legislative aid may not be employed for the religious as well as educational interests and improvement of this Province. We deny not that a nation or province may contribute aid in the promotion of religion in its collective as well as individual capacity—the same as a congregation may worship the Great Jehovah both collectively and individually. Indeed, Prophecy speaks of kings and nations, as well as individuals, bringing their offerings to the Lord. I doubt not but the day will come—O may it be hastened!—when the halls of legislation will be places of sweet and holy counsel—the halls of learning be blessed and beautified with the wisdom that is from above—the forms and creations of art dedicated to the praises of Jehovah, and He alone be the centre and focus of all the sciences.

A provision has been made, by the Act of the Imperial Parliament which created a Local Legislature, for the religious instruction of the then future inhabitants of this Province. The great end contemplated by that provision was the *instruction of the people of Upper Canada in the Christian religion*. The Imperial Act made the Local Legislature the judge of the adaptation of that provision to

the accomplishment of this end, by authorising it to *vary* or *repeal* the provisions of that Act as it might deem expedient. The original class of agents named in the Imperial Statute to carry into effect its benign object, was "a Protestant Clergy." Whether that phrase was intended to include all Protestant Clergy, or the Protestant *Episcopal* Clergy only, is immaterial, since the *agency* to be employed, as well as the provision for its support, was subject to be *varied* or *repealed* by the Provincial Legislature, as the circumstances of the Colony from time to time might require and its own judgment dictate. But the Episcopal Clergy claim the entire and exclusive advantage of this provision of one-seventh of the Province and the prerogatives which the Rectories confer. On the other hand, it is insisted, that the endowment of any one church with such wealth and power is inexpedient and impolitic in itself, is invidious and unjust to other classes of the community, is detrimental and dangerous to the civil and religious liberties of the people—and that the most equitable and effectual method of promoting the religious, educational, and civil interests of the country is to appropriate the proceeds of the Clergy Reserves to the equal encouragement and advantage of the different denominations of Christians, in the way of aiding them in their respective efforts to advance religion and education, and, to borrow the language of His Excellency Sir George Arthur, by "*promoting and maintaining the rights and privileges of all classes of Her Majesty's subjects equally.*"

In the early and equitable settlement of this great question, more than that of any or all others, is involved the future happiness and prosperity and destinies of this noble Province.

I have the honour to be,

Sir,

Your most obedient humble Servant,

EGERTON RYERSON.

No. II.

Sept. 15, 1838.

SIR :

My present object is to present *a brief history of the origin and progress of the Clergy Reserve and Dominant Church controversy.*

From 1791 to 1819, the Clergy Reserves were in the possession of no religious body, but were in the hands of government, and managed by it. During that period, and it is said for some years after, the rents of the Reserves did not pay the expense of managing them. They were therefore of no pecuniary advantage to any body. In 1819, Dr. Mountain, late Bishop of Quebec, "applied to His Majesty's Government to place the Reserves under the direction" of the Episcopal Clergy in Canada; "in consequence of which orders were given to incorporate the Clergy in each Province, for the purpose of managing and superintending the Reserves. The authority given to these corporations was limited to leasing. They had no power to expend a shilling of the proceeds, except so far as was necessary to defray the contingencies of their meetings. They were under the direction of the Executive Government of the Province, and were commanded to pay to His Majesty's Receiver General all the rents collected by them in order to be appropriated as provided for in the 31st of the late King." (a)

Here several things are to be observed. 1. That, up to the year 1819, the Episcopal Clergy had nothing more to do with the Clergy Reserves than any other class of Protestant Clergy. 2. That they acquired the superintendence and control of the Clergy Reserves, not by the Statute 31st George the Third, but by a Charter obtained under the auspices and by the recommendation of Lord Bathurst—notorious as well as odious for his high church exclusion and bigotry. 3. That the

(a) Speech of the Archdeacon of York before the Legislative Council, March 7, 1828, page 5.

Royal Charter, obtained even under such auspices, did not authorise the Episcopal Clergy to appropriate a farthing of the *proceeds* of the Reserves, but to pay them to His Majesty's Receiver General, to be appropriated by the Government. 4. That any other body of Clergy, or any number of persons, might have been incorporated to superintend the management of the Clergy Reserves as well as the Episcopal Clergy, whose bishop had applied for that honour and privilege. 5. That the control of the Reserves, therefore, by the Episcopal Clergy, determines nothing as to their exclusive claims under the Statute 31st George the Third, chap. 31. Nothing was known at the time in Canada of the application; nor was any thing known, until some time afterwards, of the Charter of Incorporation. (b)

For the last ten years it has been incessantly asserted, on the part of the Episcopal Clergy, that a doubt was never entertained, nor a word ever heard, at variance with their exclusive right to the proceeds of the Reserves, until an opposition was created against it in 1823 by certain disappointed parties in this Province, and that then it was not thought of extending the construction of the 31st Geo. the 3rd, beyond the Clergy of the Church of Scotland. This assertion has been made so often and

(b) The following advertisement, cut out of an old *Quebec Gazette*, contains the first announcement in the Canadas of the Clergy Corporations, or of the exclusive pretensions and control of the Reserves by the Episcopal Clergy:

CLERGY RESERVES.—His Majesty having been graciously pleased to erect and constitute a Corporation, consisting of the Bishop of this Diocese and the CLERGY of the Church of England holding benefices within this Province, for the superintending, managing, and conducting the Reserves made, or to be made, for the support of a Protestant Clergy within the Provinces, PUBLIC NOTICE is hereby given, that all leases of such Reserves will in future be granted by the said Corporation; and that applications for the same are to be made either to the Secretary of the Corporation at Quebec, or to the Clergyman of the Church of England residing nearest to the lot to be applied for.

Notice is also further given to those persons—whether holding Clergy Reserves under lease, or occupying them without title—who are in arrear in the payment of rent for the lot respectively held by them, that the Ministers of the Church of England residing nearest to such lots, are severally authorized, on the part of the Corporation, to receive arrears of rent, or in cases where such arrears shall be large, to compound for them: such composition to be subject to the approbation of the Principal and Directors of the Corporation: And all persons so in arrear are called upon to make payment forthwith accordingly, and to prevent thereby the necessity of further proceedings against them.

By order of the Corporation.

ANDREW WM. COCHRAN,
Secretary.

so confidently, that I may perhaps be thought presumptuous and fool-hardy for questioning its correctness. But I, nevertheless, do question its correctness—I venture to assert it to be contrary to fact. I assert that the doubt as to the exclusive right of the Episcopal Clergy to the Reserves did not originate with any disappointed party either in Canada or elsewhere—it did not originate in Canada at all—it did not originate with even a liberal whig; but it originated with no less personages than that high Churchman, EARL BATHURST himself, and apparently with KING GEORGE THE FOURTH, in the year 1819, at the very time when application was made by the late Bishop of Quebec for Charters of Episcopal Incorporation: and that very doubt seems to have been the reason why the Charters themselves reserved in the hands of Government the sole right of appropriating the proceeds of the Reserves. So strong and serious were the doubts entertained by members of the high tory Government of George the Fourth in 1819, that the Law Officers of the Crown were applied to by Lord Bathurst to resolve them.

That I am fully justified in this statement—bold and extraordinary as it may seem—will appear from the following extract of the opinion of the Law Officers of the Crown, given in reply to Lord Bathurst's request:

DOCTORS' COMMONS, 15th Nov., 1819.

MY LORD,—We are honoured with your Lordship's commands of the 14th September last, stating that DOUBTS HAVING ARISEN how far, under the construction of the Act passed in the 31st year of His present Majesty, (c. 31) *the Dissenting Protestant Ministers resident in Canada* have a legal claim to participate in the lands by that Act directed to be reserved as a provision for the support and maintenance of a Protestant Clergy.

And your Lordship is pleased to request, that we would take the same into consideration and report to your Lordship, for the information of the *Prince Regent*, our opinion whether the Governor of the Province is either required by the Act, or would be justified in applying the produce of the reserved lands to the maintenance of any other than the clergy of the Church of England resident in the Province; and in the event of our being of opinion that the *Ministers of Dissenting Protestant congregations* have a concurrent claim with those of the Church

of England ; further desiring our opinion, whether, in applying the reserved lands to the endowment of rectories and parsonages, as required by the 38th clause, it is incumbent upon His Majesty to retain a proportion of those lands for the maintenance of the *dissenting clergy*, and as to the proportion in which, under such a construction, the provision is to be assigned to the *different classes of dissenters established within the Province*.

We are of opinion, that though the provisions made by 31st Geo. 3, c. 31, s. 36 and 42, for the support and maintenance of a Protestant Clergy, are not confined solely to the Clergy of the Church of England, but may be extended also to the Clergy of the Church of Scotland, if there are any such settled in Canada, (as appears to have been admitted in the debate upon the passing of the act.) yet that they do not extend to dissenting Ministers, since we think the terms Protestant Clergy can apply only to Protestant Clergy recognized and established by law." * * * (Signed)

CHRIST. ROBINSON.

R. GIFFORD.

J. S. COPLEY.

Earl Bathurst, &c. &c. &c.

Several things, again, are here to be specially noted :
 1. That doubts as to the validity of the exclusive claims of the Episcopal Clergy to the proceeds of the Reserves are co-existent with the consideration of the appropriation of them by the British Government. 2. That those doubts originated with a noble individual and government whose entire prejudices and policy were in favour of the Episcopal Clergy. 3. That those doubts did not relate merely to the Clergy Reserve provision in connexion with the Clergy of the Church of Scotland, but in connexion with the different classes of "Dissenting Clergy." Indeed it appears from the first two paragraphs of the Crown Officers' opinion, that Lord Bathurst had not even mentioned the Clergy of the Church of Scotland, but that his inquiries related entirely to what he apprehended might be the legal claims of the Clergy of Dissenting congregations,—though in his own mind he probably included the Scotch Clergy under the general designation of "Dissenting Clergy." 4. That the only reason assigned by the Crown Officers for not including *all* Protestant Clergy was that *they thought* "the terms Protestant Clergy

could only apply to a Protestant Clergy recognized and established by law,"—a point which I shall have occasion to examine minutely hereafter, when I think I will have little difficulty in making it appear, that Protestant *Dissenting*, as well as Episcopal Clergy, were contemplated by the framer and introducer into Parliament of the Constitutional Act of 1791; and that they have been recognized as Clergy by the law of England; and that any narrower construction of that act is contrary to its spirit and intentions—leaving considerations of policy in the present state of Canada altogether out of the question.

I am not aware that any thing respecting the Clergy Reserves or Clergy corporations appeared in the U. Canada newspapers from 1819 to 1823. Things were done so snugly and smoothly in those days, that I doubt whether the existence of an Episcopal Clergy Corporation was generally known in the Province. "Soon after [the appearance in the *Quebec Gazette*, in 1820, of an advertisement with respect to a Clergy Corporation for the management of the Reserves] the Clergy of the Church of Scotland drew up a memorial to the Government, in which, in terms most respectful to the Sister Church, they urged their claims to a participation in the Reserves of these lands." (c) In the session of 1823-4, Mr. (now the Hon. Mr.) Morris brought the case of the Scotch Clergy before the House of Assembly. The subject was new to the members of the Assembly; they declined giving any opinion on the construction of the Constitutional Act relative to the provision for a Protestant Clergy; but they met Mr. Morris's views and wishes so far as to adopt, with some amendment, several resolutions, and an address to the King founded on them, recommending the granting of aid to the Clergy of the Church of Scotland. The resolutions were, however, negatived in the Legislative Council. (d)

(c) Pastoral Letter of the Scotch Clergy, 1823, p. 7.

(d) The resolutions were adopted by the Assembly, 16th December, 1823, by quite a majority, and are as follows:

"Resolved—That when the Kingdoms of England and Scotland were united, the Subjects of both were placed upon a footing of reciprocity, and were to enjoy a full communication of every right, privilege, and advantage, and that neither the Church of the one nor the other thereby gained any ascendancy—

The subject having now been brought before the public, the general feeling of the country was decidedly opposed to the public provision of the Clergy of one or two Churches to the exclusion of other religious denominations. The general elections took place in the summer of 1824. At the first session of the new Parliament, 1824-5, several petitions were presented from sundry inhabitants of the Province in favour of an equal distribution of the Reserves among all Protestant denominations of Christians. These petitions were referred to a Select Committee. The following extract from the Journals of the Assembly contains the proceedings of the Committee and the House on the subject :

“ Mr. Thomson from the Committee to whom were referred the several petitions on the subject of an equal distribution of the avails arising from the lands set apart for the maintenance of a Protestant Clergy in this Province, informed the House that the Committee had agreed to a Report which he was directed to submit for its adoption :

The Report was ordered to be received and was read as follows :—

The Select Committee to whom were referred the petitions of sundry inhabitants of this Province on the subject of the Clergy Reserves, are of opinion that the lands set apart in this Province for the “ maintenance and support of a Protestant Clergy,” ought not to be enjoyed by any one denomination of

on the contrary, that both were established by law as National Protestant Churches within their respective Kingdoms, and consequently the Clergy of both are equally entitled to a participation in all the advantages which have resulted, or may hereafter result from the said union.

Resolved—That the Provinces of Canada were wrested from the Dominions of France, by the United exertions of Great Britain and Ireland, and that the Churches of England and Scotland had at the Conquest thereof, an equal claim to enjoy the advantages which might be derived from the said Conquest.

Resolved—That by the Act of the British Parliament, passed in the 31st year of His late Majesty's Reign, the Governor, Lieutenant Governor, or person administering the Government of this Province, was authorised to set apart a portion of one-seventh of the Land for the support and maintenance of a Protestant Clergy;

Resolved—That if His late Majesty, when he graciously authorised an appropriation of land for the support and maintenance of a Protestant Clergy in this Province, did not contemplate a provision for the Clergy of the Church of Scotland, that they ought now to come under His Majesty's most favourable consideration, by being otherwise provided for.

Resolved—That an humble Address be presented to His Majesty, founded on the foregoing Resolutions, praying that His Majesty will be graciously pleased to direct such measures as will secure to the Clergy of the Church of Scotland, residing, or who may hereafter reside in this Province, such support and maintenance as His Majesty shall think proper.”

Protestants, to the exclusion of their Christian brethren of other denominations equally conscientious in their respective modes of worshipping God, and equally entitled, as dutiful subjects, to the protection of His Majesty's Government.

Entertaining this view of the subject, and learning that a portion of the said Reserves is to be sold, your Committee beg leave to suggest to your Honourable House, the propriety of addressing His Majesty, humbly praying that His Majesty will be pleased to cause an application of the proceeds of such sale to be made towards the support of the Protestant Clergy of every denomination throughout this Province.

(Signed) H. C. THOMSON, *Chairman.*

Committee Room of Assembly,

18th March, 1825.

Mr. Thomson, seconded by Mr. Atkinson, moved that the Report of the Committee on the Clergy Reserves be referred to a Committee of the whole house on Monday next—which was ordered."

During the session of 1825-6, the question was again taken up, and after a good deal of discussion, the Assembly adopted, almost unanimously, resolutions and an address, from which the following is an extract, dated January 27, 1826 :

" We further must represent, Most Gracious Sovereign, that the Lands set apart in this Province for the maintenance and support of a Protestant Clergy, ought not to be enjoyed by any one denomination of Protestants, to the exclusion of their Christian Brethren of other denominations, equally conscientious in their respective modes of worshipping God, and equally entitled, as dutiful and loyal subjects, to the protection of Your Majesty's benign and liberal Government. We therefore humbly hope it will, in Your Majesty's wisdom, be deemed expedient and just, that not only the present Reserves, but that any funds arising from the sales thereof, should be devoted to the advancement of the Christian Religion generally, and the happiness of all Your Majesty's subjects, of whatever denomination ; or if such application or distribution should be deemed inexpedient, that the profits arising from such appropriation should be applied to the purposes of education, and the general improvement of the Province."

In the meantime, the Episcopal Clergy were by no means inactive. In 1823, the late Bishop of Quebec,

(Dr. Mountain) and his Clergy drew up a Memorial to His late Majesty King George the Fourth, of which the following are extracts :

Extracts of an Address of the Lord Bishop of Quebec and his Clergy to the King, in 1823; which was printed by the Agent of the Episcopal Clergy in London, in 1827, in confirmation of his own statements.

“ They trust that *the plain statement of facts* elucidating the religious state of the Province, which they most respectfully submit, will not only invalidate the allegations of their opponents, but preserve to the Church of England her rights and privileges unimpaired which she has so long enjoyed in the Colonies.

“ That the *population*, now greatly increased and embracing in its bosom many denominations of Christians, still retains its *prominent feature of being attached to the Church of England*; the members of which, together with the Dutch and German Lutherans, who join them in communion, comprise by far the most numerous description of Christians in Canada.

“ That the very *little progress* made by the *other* denominations *compared* with that of the *Church of England*, and the *very recent* establishment of their *scanty* congregations, has generally created in the minds of the people a veneration for it as the established form of worship,—a light in which it has always been presented to the inhabitants of the Province from their earliest years.

“ That when new Missions are established in any quarter, not only do those persons readily join who are not yet particularly attached to any denomination, but even Presbyterians and Congregationalists attend public worship with their families, so that on many occasions the whole neighbourhood become united to the Church. Even in those remote parts of the country, where the Methodist Itinerants are the most active, so soon as the population is sufficiently compact to admit and require the ministrations of a regular Clergyman, he finds his congregation increasing by the gradual accession of their more respectable adherents.”

“ That the Church is increasing so rapidly as to offer great encouragement to respectable families to bring up their children to the sacred profession.”

“ That there is every reason to believe, that the greater proportion of all the various denominations of Protestants may be expected to conform, so as at length to include the great mass of this population.”

“ In fine, there manifestly appears the fairest prospect that the Church of England, from the favourable disposition that

now exists towards it, will be able to collect within its bosom the great bulk of the inhabitants of the Province, *should no prospect of supporting their Clergy be held out to the various Protestant denominations.*"

I will not characterize the above extracts as they deserve; I leave the intelligent reader to make his own comments on the mean and intolerant spirit they breathe, and the flagrant misstatements they contain. In the early part of 1824, the Archdeacon of York proceeded to London in behalf of the Episcopal Clergy Corporations, "with a proposal to His Majesty's Government to enlarge the powers of the Corporations, so that they might be able to sell to a limited extent [100,000 acres a year] as well as lease." "On my arrival in London in April, 1824," (says Dr. Strachan) "I laid this proposal before His Majesty's Principal Secretary of State for the Colonies, Lord Bathurst, and found that his Lordship, as well as the Under Secretary, the Hon. R. W. Horton, were disposed to adopt it, if on consideration they should find it practicable, and not detrimental to the Church."

(e) Some difficulty afterwards arose between the Clergy Corporation and His Majesty's Government about the sale of a portion of the Reserves to the Canada Company; and the Address of the House of Assembly, 27th January, 1826, (from which I have made an extract above) praying for and strongly insisting upon the appropriation of the Reserves for the benefit of all Protestant denominations, excited evident uneasiness among the Episcopal Clergy. In the spring of 1826, Dr. Strachan made a second voyage to London on the subject. On the eve of his departure, he published a sermon on the death of the first Bishop of Quebec, Dr. Mountain, who died in 1825. That sermon contained a brief history of the rise and progress of the Church of England in the Canadas, and an earnest appeal to the British Government in behalf of that Church. Like all the publications put forth in behalf of the Episcopal Church, that Sermon contained a most unwarrantable attack upon the charac-

(e) Speech before the Legislative Council, 1823, p. 7.

ter of other religious denominations. As specimens, I will give two short extracts :

Extract of a Sermon preached by the Archdeacon of York in 1826, on the death of the late Bishop of Quebec, containing a history of the rise and progress of the Church of England in these Provinces, and an appeal to the King's Government ; which Sermon was distributed among the Members of His Majesty's Government by its Author, the Agent of the Episcopal Clergy, in May, 1837.

“ Even when churches are erected,—the Minister's influence is frequently broken or injured by numbers of uneducated itinerant Preachers, who leaving their steady employment, betake themselves to preach the Gospel from idleness, or a zeal without knowledge, by which they are induced without any preparation, to teach what they do not know, and which, from their pride, they disdain to learn.”

“ When it is considered that the religious teachers of the other denominations of Christians, a very few respectable Ministers of the Church of Scotland excepted, come almost universally from the Republican States of America, where they gather their knowledge and form their sentiments, it is quite evident, that if the Imperial Government does not immediately step forward with efficient help, the mass of the population will be nurtured and instructed in hostility to our Parent Church, nor will it be long till they imbibe opinions any thing but favourable to the political Institutions of England.”

“ It is only through the Church and its Institutions, that a truly English character and feeling can be given to or preserved in any Foreign possession.”

It will now be seen that successive attacks had been made by the Episcopal Clergy upon the character of their unoffending brethren of other religious denominations ; and that the House of Assembly had repudiated the exclusive claims of the Episcopal Clergy, and urged the rights and claims of other classes of the population. *Up to this time, be it observed, not a word had been written respecting the Episcopal Clergy or the Clergy Reserve question by any Minister or Member of the Methodist Church.* At that time the Methodists had no law to secure a foot of land for parsonages, chapels, and the burial of their dead ; their ministers were not allowed to solemnize matrimony ; and some of them had been the objects of cruel and illegal persecution on the part of Magistrates and others in authority. And now were they the butt of unprovoked and unfounded asper-

sion from the heads of the Episcopal Clergy, while pursuing the "noiseless tenor of their way," through trackless forests and bridgless rivers to preach among the scattered inhabitants the unsearchable riches of Christ.

A copy of the Archdeacon's sermon having fallen into the hands of some members of the Methodist Church in this town, the writer (then in the first year of his ministry) was strongly pressed to reply to the wanton attacks contained in the discourse against the Methodists and other denominations. In compliance with the request of those to whose judgment he yielded his own, he published under the signature of *A Methodist Preacher*, a review of the Archdeacon's Sermon, combatting the Doctor's fabulous pretensions to exclusive apostolic authority by unbroken episcopal succession and form of Church Government—opposing the project of a dominant Church in Canada—and vindicating the calumniated principles and character of the Methodists and other denominations. As very many of the more recent settlers in town and country have erroneous impressions,—derived from certain political journals,—respecting the birth and character of the Ministers of the Methodist Church and other bodies in former years, and as they have a material bearing upon the settlement of the great question now at issue, I will quote a few passages from my juvenile and sharp review, published May, 1826; and with these passages I must conclude this already too lengthened letter:

"Even where churches are erected (says the Doctor,) the persons who gave regular attendance are so few, as greatly to discourage the minister, and his influence is frequently broken or injured by numbers of uneducated itinerant preachers, who, leaving their usual employment, betake themselves to preaching the gospel out of idleness, or a zeal without knowledge, by which they are induced without preparation to teach what they do not know, and which from their pride, they disdain to learn."

With respect to the small numbers who give regular attendance to the ministrations of the Church of England, I am of the Doctor's opinion. For I believe those instances are not very rare, which almost compel the venerable clergymen of

Canada, to say with Dean Swift, "my dearly beloved Roger, the Scripture moveth us, in sundry places," &c. And as a remedy for this doleful complaint, we may say with the eloquent Chalmers, "to fill the church well, we must fill the pulpit well." Until that is done, the Doctor's mournful cries of Sectarianism! Schism! Republicanism! will still be screeching in our ears; and the repose of the "Imperial Parliament" will continue to be disturbed by the desponding exclamations: "The church is in danger—money! power!"—Is there no deliverance from those tedious qualms, with which the Doctor has for so many years been pained! Yes, it is found in 2 Tim. iv. 2. "Preach the word; be instant in season and out of season; reprove, rebuke, exhort with all long-suffering and doctrine."

As to the Doctor's remarks on the qualifications, motives, and conduct of the Methodist itinerant preachers, they are ungenerous, unfounded, and false.

The Methodist preachers do not value themselves upon the wealth, virtues, or grandeur, of their ancestry; nor do they consider their former occupation an argument against their present employment or usefulness. They have learned that the "venerable" apostles were once fishermen; that a Milner could once throw the shuttle; and that a Newton was not ashamed to watch his mother's flock. By these examples, and a hundred more, they feel themselves sufficiently shielded from the envious reflections of a bigoted ecclesiastic. They are likewise charged with "preaching the gospel out of idleness." Does the Doctor claim the attribute of omniscience? Does he know what is in man? How does he know they preach "the gospel out of idleness?" Let the Doctor remember that "with what judgment he judges, he shall be judged," [Matt. vii. 2.] What does the Doctor call idleness? Not the reading of one or two dry discourses every Sabbath: not the preaching to one congregation, with an annual income of 2 or £300. No; this is hard labour; this is indefatigable industry. Two or four hundred pounds per annum is no inducement, no motive for preaching the gospel. Those who labour in this apostolic manner, and for this small pittance, cannot be otherwise than the "venerable successors" of the Apostles. Who are they then, that preach the gospel out of idleness? Those indolent, covetous men who travel from 2 to 300 miles, and preach from 25 to 40 times every month. Those who, in addition to this visit from house to house, and teach young and old "repentance towards God and faith in our Lord Jesus Christ," (Acts xx. 24.) Those who continue this labour year after year, and are elevated with the enormous salary of £25 or £50 per annum; these are the men who preach "the gospel out of idleness!"

The Methodist preachers are said to be "uneducated," and to preach the gospel without "any preparation." To a *collegiate* education they do not make pretensions. But it should not be forgotten that there are other ways and places of improvement besides the Doctor's Academy at ———, and that if this objection may be brought against the Methodist preachers in Canada, it cannot be brought against those who composed their articles and discipline, and who formed their constitution. The founders of Methodism were not inferior to the most illustrious of their age, both in the republic of letters, and in scientific knowledge in general. But the Methodist preachers are not destitute of learning; nor do they undervalue it. They consider it indispensably necessary to be an able minister of the gospel. They go farther. They say, "to human learning we must add divine grace:" "that man is not properly qualified," say they, "who can only translate some of the classics, read a chapter or two of the Greek gospels, rehearse the Lord's prayer and the ten commandments in Latin, perhaps write a Latin sermon, &c. ; if he be destitute of that wisdom which comes down from heaven, he cannot discern the things of the spirit of God," (1 Cor. ii. 14.) "Old things must pass away, and all things must become new," (2 Cor. v. 17.) St. Paul's learning, though extensive, did not qualify him for the ministry. "His sins must be washed away, and he be filled with the Holy Ghost," (Acts ix. 17.) The son of God was revealed in his heart before he was qualified to preach him among the heathen, (Gal. 1. 16.) Except a man be not only born of water, but of the *spirit*, he cannot *see*, much less can he enter, and we add, much less is he qualified to preach the kingdom of God, (John iii. 3, 5.) "Learning and piety," says an able divine, "accompanied with a consciousness of the divine call, constitute the accomplished minister of Jesus Christ."

The Methodist preachers consider a knowledge of the languages both desirable and useful, and encourage the attainment of them, and allow to those who possess this knowledge, all the superior advantages which it confers.

* * * * *

Whoever attends to the following rules given in the Methodist discipline, will see the wickedness and falsehood of those vague assertions, that the Methodist preachers 'are induced to preach what they do not know, and which from their pride they disdain to learn.'

* * * * *

The doctor asks in the language of despair, "what can 53 clergymen do scattered over a country of greater extent than

Great Britain?" For the Doctor's reflection and encouragement I would ask what did 12 apostles do in the midst of an obstinate, a barbarous, and a persecuting world? What did a Waldus do in the valleys of Piedmont? What did a Wickliffe do in England? What did a Luther do in Germany; nay, in the Christian world? What did a Wesley and his contemporaries do in Europe? What have the Methodists done in America?

One particular reason, which the Doctor assigns for imploring the aid of the Imperial Parliament is, that republican principles will be instilled into the minds of the people, by the 'religious teachers of the other denominations, who,' he says, 'come *almost universally* from the Republican States of America.'

They are not Republicans; neither are they infected with republican principles; nor have they come 'almost universally from the Republican States of America.'

Seven eighths of the religious teachers among the dissenters, are British born subjects. And out of the whole body of the Methodist itinerant preachers, who seem to be the principal butt of the Doctor's hatred, there are only *eight*, who have not been *born and educated* in the British dominions. And of those *eight*, *all* except *two* have become naturalized British subjects according to the statute of the Province.

The hue-and-cry that 'dissenters are disaffected to the Imperial Government,' has stunned the ears of almost all Europe, for more than two centuries. It was first raised to make dissenters contribute to the support of the establishment, to enlarge the revenues of the clergy, and to give more unbounded sway to ecclesiastical domination; such as enforcing the act of uniformity, &c.; And doubtless it is for the same purpose that it has been transported to America, and now continues its hideous shrieks through the 'dreary wastes' of Canada.

Have the dissenters in this country ever shown a disposition in any way hostile to the true interests of the colony? Have they not been quiet in time of peace, and bold in time of war? Answer ye parents who mourn the loss of patriotic sons, who yielded up the ghost in the field of battle! Speak, ye fatherless children! the dying groans of whose dissenting fathers proclaimed that 'they could die in defence of the British constitution, and yet be unconnected with religious establishments!' Bear testimony, ye disconsolate widows, whose dissenting husband's loyalty has doomed you to perpetual melancholy! Lift up your voices, ye unfortunate invalids, whose lacerated limbs speak more than volumes, that they are slanderers and liars, who say that the religious, any more than the political

dissenters in Canada, are not true to 'the political institutions of England!'

I have the honor to be, &c. &c. &c.

No. III.

SIR :

I resume my narrative of the Clergy Reserve question. I have shown that the doubts as to the exclusive right of the Episcopal Clergy to the Reserves originated with a high church government in England in 1819—years before the discussion of the question in this Province; that objections were made to those exclusive claims in this Province as soon as they were known to the public; that at the very first general election, in 1824, after those exclusive claims were put forth, an Assembly was elected which almost unanimously protested against them, and in favour of equal civil and religious rights amongst all denominations of Christians. This, be it observed, was many years before the phrase "*elective institutions*" was heard of in the land; and had the wishes of the people, constitutionally and almost unanimously expressed, (29 to 2) as they were in 1826, been regarded, as they ought to have been, and as they must have been had England instead of Canada been the party concerned—the other questions of agitation which afterwards grew out of this, never would have been known, and our thirteen years of ceaseless agitation would have been thirteen years of contentment and prosperity; *Schools* of instruction would have been planted and endowed in various parts of the Province instead of *Rectories* of dominancy and agitation; and you would not be compelled to do as a matter of unavoidable necessity in 1839, what might have been done as a measure of political wisdom and intelligent enterprise in 1826.

I only wish, Sir, that as a government and a country we may have learned wisdom in the school of bitter experience.

I have also shown that the disputes and strong feelings which have been excited between different denominations of Christians in connexion with this protracted controversy, originated in successive and most unwarrantable attacks and misrepresentations by the Episcopal Clergy.

Having stated the proceedings of the Assembly on the subject in the sessions of 1823-4, 1824-5, and 1825-6, I proceed to state what was done in the session of 1826-7. The subject was taken up with deep interest and feeling. The debate which took place on the occasion was the first legislative debate I ever listened to, and was one of the ablest that was ever witnessed in our Provincial Assembly. The principal speakers on one side were Mr. Attorney General (now Chief Justice) Robinson, Mr. J. (now Judge,) Jones, and Mr. (now the Hon. Mr.) Gordon; on the other side, the chief speakers were Mr. (now the Hon. Mr.) Morris, (the mover of the ten first resolutions,) Mr. Rolph and Mr. Bidwell. The debate resulted in the adoption of the following resolutions:—

Extracted from the Journals, 22nd December, 1826, pp. 23, 24.

“1. Resolved,—That the despatch of the Right Honourable Earl Bathurst, His Majesty’s Principal Secretary of State for the Colonies, communicated to this House on the 12th instant by His Excellency the Lieutenant Governor, in answer to the Address to His Majesty of this House at its last session, respecting the Clergy Reserves, is unsatisfactory to this Assembly, inasmuch as it is silent on a material part of the respectful representation of this House contained in the said Address.

2. Resolved,—That the Imperial Parliament, by conferring on the people of Upper Canada a constitution in many important respects similar to that enjoyed by the inhabitants of the Parent State, was desirous of promoting the happiness and prosperity of all persons who might become resident in the Colony.

3. Resolved,—That the appropriation of a seventh of all the surveyed lands within this Province, for the support and maintenance of a Protestant Clergy is a striking manifestation of the paternal regard of the government of the Mother Country

to all His Majesty's subjects ; and, with power by the Assembly to legislate thereon, a most important point of said constitution.

4. Resolved,—That the Imperial Legislature foresaw the probability of circumstances in the condition of the inhabitants of this Colony which might render an alteration in the law with respect to the Clergy Reservation expedient, and wisely left the Provincial Parliament at liberty to make such changes therein as the future state of society might require.

5. Resolved—That the construction given to the Imperial Act, which appropriates the Clergy Reserves to individuals connected with the Church of England, and the determination of the Clergy of that Church to withhold from all other denominations of Protestants residing within the Province, the enjoyment of any part of the benefits arising, or which may arise from the lands so set apart, call for the immediate attention of the Provincial Legislature to a subject of such vital interest to the public in general, and that such claim by the Protestant Episcopal Church is contrary to the spirit and meaning of the 31st Geo. III., and most injurious to the interests and wishes of the Province.

Yeas 28, Nays 3,—Majority 25.

6. Resolved—That a comparatively small proportion of the inhabitants of Upper Canada are members of the Church of England, and therefore ought not in justice to desire the sole enjoyment, by their clergy, of all the advantages which these lands present, to the exclusion of their fellow subjects, although equally loyal and firm in their attachment to His Majesty's Government and the Constitution.

7. Resolved—That in a thinly inhabited country, such as Upper Canada, where the means of moral instruction to the poor are not easily obtained, it is the bounden duty of the Parliament to afford every assistance within its power towards the support of education.

8. Resolved—That the present provision for the support of District and Common Schools is quite inadequate to the wants of the people, and ought by every reasonable exertion to be increased, so as to place within the reach of the poorest inhabitant the advantages of a decent education.

9. Resolved—That it is the opinion of a great proportion of the people of this Province that the Clergy lands, in place of being enjoyed by the clergy of an inconsiderable part of the population, ought to be disposed of, and the proceeds of their sale applied to increase the provincial allowance for the support of District and Common Schools, and the endowment of a Provincial Seminary for learning, and in aid of erecting places of public worship for all denominations of christians.

Yeas 31, Nays 2.—Majority 29.

10. Resolved,—That it is expedient to pass a bill authorising the sale of the Clergy Lands within this Province, for the purposes set forth in the foregoing resolution, and to address His

Majesty, humbly soliciting that he will be graciously pleased to give the Royal assent to said bill.

11. Resolved—That the number of the Protestant Episcopal Church in the provinces bears a very small proportion to the number of other Christians, notwithstanding the pecuniary aid long and exclusively received from the benevolent society in England by the members of that church, and their pretensions to a monopoly of the Clergy Reserves.

Yeas 30, Nays 3,—Majority 27.”

Yeas and Nays on the foregoing resolutions :

YEAS,—Messieurs Atkinson, Baby, Beardsley, Beasley, Bidwell, Burnham (Zacheus, now the Hon.,) Cameron, Clark, Coleman, Hamilton, Hornor, Ingersol, D. Jones, Lyons, Lefferly, Matthews, McBride, McCall, McDonald, McDonell, Morris, Perry, Peterson, Randal, Rolph, Thompson, Thomson, Walsh, White, Wilkinson, and Wilson—31.

NAYS,—Messieurs J. Jones, and Scollick—2,—the Attorney General and Mr. Gordon having left the House.

On the 28th of the same month, Mr. Morris reported the draft of a bill for the sale of the Clergy Reserves, pursuant to the foregoing Resolutions. It passed a second reading the 8th January 1827, by a majority of 20 to 3—*Mr. Fohergill* being present and voting for the bill. The bill passed a third reading, and was ordered to be sent to the Legislative Council, on the 12th inst., where it was either not taken up at all, or rejected.

It has been stated that the Archdeacon of York went on a second Church Mission to England in 1826. In the fulfilment of his mission, he obtained a Royal Charter for the University of King's College, with an endowment of 225,000 acres of land, and £1,000 a year for sixteen years. The provisions of the Charter were so sectarian and exclusive as to call forth the expression of strong feelings of dissatisfaction and complaint from the inhabitants of the Province through addresses from the Assembly and petitions from the people—which continued year after year—until Royal Instructions were sent out in 1835, authorising the repeal of the obnoxious clauses in the Charter. The Archdeacon also sought to obtain additional grants to the Episcopal Clergy; and with a view of promoting his object, he drew up and laid before the Secretary of State for the Colonies, May, 1827, a

Chart and Letter descriptive of the religious state of Upper Canada. The letter and chart were laid before the British House of Commons, and ordered to be printed. I quote the following passages from the Arch-deacon's letter, which was addressed to the Hon. R. J. W. Horton, Under Secretary of State for the Colonial Department.

"19, *Bury Street, St. James's, May 16th, 1827.*

SIR,—I take the liberty of enclosing, for the information of Lord Goderich, an Ecclesiastical Chart of the Province of Upper Canada, which I believe to be correct for the present year, 1827, and from which it appears that the Church of England has made considerable progress, and is rapidly increasing.

The people are coming forward in all directions, offering to assist in building churches, and soliciting with the greatest anxiety the establishment of a settled minister. Indeed the prospect of obtaining a respectable clergyman unites neighbourhoods together; and when one is sent of a mild conciliatory disposition, he is sure in any settlement in which he may be placed, to form the respectable part of the inhabitants into an increasing congregation. There are in the province 150 Townships, containing from 40 to 500 families, in each of which a clergyman may be most usefully employed; and double this number will be required in less than 12 years.

When contrasted with other denominations, the Church of England need not be ashamed of the progress she has made. Till 1818, there was only one clergyman in Upper Canada, a member of the Church of Scotland. This gentleman brought up his two sons in the Church of England, of which they are now parish priests. After his death, his congregation was split in three divisions, which, with another collected at Kingston in 1822, count four congregations in all, which are in communion with the Kirk of Scotland. Two are at present vacant, and of the two Scotch Clergymen now in the province, one has applied for holy orders in the Church of England.

The teachers of the different denominations, with the exception of the two ministers of the Church of Scotland, 4 Congregationalists, and a respectable English Missionary who presides over a Wesleyan Methodist meeting at Kingston, are for the most part from the United States, where they gather their knowledge and form their sentiments. Indeed the Methodist teachers are subject to the orders of the Conference of the United States of America; and it is manifest that the Colonial Government neither has, nor can have any other control over them, or prevent them from gradually rendering a large portion of the population, by their influence and instructions, hostile to our institutions both civil and religious, than by increasing the number of the Established Clergy.

Two or three hundred Clergymen living in Upper Canada, in the midst of their congregations, and receiving the greater portion of their income from funds deposited in this country, must attach still more intimately the population of the colony to the parent state. Their influence would gradually spread; they would infuse into the inhabitants a tone and feeling entirely English, and acquiring by degrees the direction of education which the Clergy of England have always possessed, the very first feelings, sentiments, and opinions of the youth, must become British”

Dr. Strachan's letter soon found its way into the Canadian newspapers, and made no small stir in the Province. Meetings were held, and petitions were got up and signed by members of various denominations of Christians, praying the House of Assembly to investigate the statements and representations made by Dr. Strachan to His Majesty's Government in behalf of the Episcopal Church, and against the principles and character of other denominations, especially the Methodists—and also to inquire into the provisions of King's College Charter. The House appointed a Select Committee. That Committee drew up a list of fourteen questions, and called *fifty-two* witnesses before them. The witnesses consisted of members of the two branches of the Legislature, and other respectable gentlemen.

The first question related to the birth place and education of the ministers of the various denominations; the second to the tendency of the instruction and influence of the Methodist ministers throughout the Province; the third to the influence upon the loyalty of the Province by increasing the Missionaries of the Church of England; the fourth to the asserted increase of the Church of England, and the tendency of the population towards it; the fifth to the wishes of the inhabitants of Upper Canada in regard to the establishment of one or more Churches or Denominations in the Province with peculiar rights, privileges, or endowments; the sixth to the wishes of the people as to whether the proceeds of the Clergy Reserves should be given to the Clergy of the Church of England; the seventh to the general wishes of the Province as to the application of the proceeds of the Reserves; the eighth to the interference in politics by the clergymen of

the various denominations ; the ninth to the proportion of the members of the Church of England to the whole population of the Province ; the tenth to the opinions of witnesses as to which was the most numerous denomination of Christians in the Province ; the eleventh to the opinions of witnesses as to whether any and which of the various denominations was more numerous than the Church of England ; the twelfth as to whether the Church of England has laboured under greater difficulties in this Province than any other church ; the thirteenth to Dr. Strachan's Ecclesiastical Chart of the Province ; the fourteenth to the asserted ignorance of the Teachers of the various Christian denominations. These questions elicited a mass of information relative to the early religious history of the Province, which, in all probability, does not exist in relation to the early state of any other country. I need scarcely say that every material position and statement of the Agent of the Episcopal Clergy was overthrown by an overwhelming weight of unexceptionable testimony.

As the character of the Methodists was deeply implicated by Dr. Strachan—and as the old stereotype attacks are now being repeated by his deputies of the *Patriot*, the *Star*, and *The Church*—I will adduce two or three unquestionable testimonies, and the voice of the Representatives of the people of Upper Canada in 1828, as to the Christian integrity and unimpeachable loyalty of the Methodist body from the earliest settlement of the Province,—notwithstanding their former ecclesiastical connexion with the Methodist Church in the United States. I will quote the evidence on this point of the late Hon. Thomas Clark, and the Hon. William Dickson—both residents in the Niagara District, which was the field of battle during the late war with the United States—both Members of the Church of England—both high conservatives—and both old and intimate friends of the Archdeacon of York. In reply to the Question, “Do you think that the influence and instructions of the Methodist preachers in this province are rendering or have a tendency to render a large portion of the population hostile

to our institutions both civil and religious?" Mr. CLARK says—"I do not think that the influence of the Methodist preachers throughout the province, as far as I am acquainted, has any such tendency; BUT THE CONTRARY." Mr. DICKSON says—"From general observations, I think the contrary, and that the Methodists as a religious sect, prompted and encouraged their hearers in defence of the province, and in repelling invasions, during the late war in that part of the province where I resided."

The Report of the Select Committee was adopted by a majority of 22 to 8. The Yeas were Messrs. Beardsley, Beasley, Bidwell, D. Cameron, Coleman, Fothergill, Hamilton, Hornor, Lafferty, McBride, McCall, McDonald of Prescott and Russell, McDonell of Glengarry, Matthews, Morris, Perry, Peterson, Randal, Rolph, White, Wilkinson and Wilson. I extract the following passage from the Report :

"The insinuations in the letter against the Methodist Clergymen, the Committee have noticed with peculiar regret. To the disinterested and indefatigable exertions of these pious men, this Province owes much. At an early period of its history when it was thinly settled, and its inhabitants were scattered through the wilderness and destitute of all other means of religious instruction, these ministers of the Gospel, animated by christian zeal and benevolence, at the sacrifice of health and interest and comfort, carried among the people the blessings and consolations and sanctions of our holy religion. Their influence and instruction, far from having (as is represented in the letter) a tendency hostile to our institutions, have been conducive, in a degree which cannot easily be estimated, to the reformation of their hearers from licentiousness, and the diffusion of correct morals, the foundation of all sound loyalty and social order. There is no reason to believe that, as a body, they have failed to inculcate, by precept and example, as a christian duty, an attachment to the sovereign and a cheerful and conscientious obedience to the laws of the country. More than 35 years have elapsed since they commenced their labours in the colonies. In that time the province has passed through a war which put to the proof the loyalty of the people. If their influence and instructions have the tendency mentioned, the effects by this time must be manifest; yet no one doubts that the Methodists are as loyal as any of His Majesty's subjects. And the very fact that, while their clergymen are dependant for their support upon the voluntary contributions of their people, the number of their members has increased so as to be now, in the opinion of almost all the witnesses, greater than that of the mem-

bers of any other denomination in this province, is a complete refutation of any suspicion that their influence and instructions have such a tendency: for it would be a gross slander on the loyalty of the people to suppose that they would countenance and listen with complacency to those whose influence was exerted for such base purposes."

The House of Assembly ordered a copy of the Report with the accompanying evidence and charts to be transmitted to the Imperial Government, and adopted an Address to the King on the subject. From this most important Address I make the following extracts :

To the King's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN :

We, Your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Majesty, that we have seen, with equal surprise and regret, a letter and ecclesiastical chart, dated 16th May, 1827, and addressed by the Honorable and Venerable Doctor Strachan, Archdeacon of York, a member of Your Majesty's Legislative and Executive Councils of this Province, to the Right Honorable R. J. Wilmot Horton, at that time Under Secretary of State for the Colonies, for the information of Lord Goderich, then at the head of the Colonial Department; as they are inaccurate in some important respects, and are calculated to lead Your Majesty's Government into serious errors.

We beg leave to inform Your Majesty, that, of Your Majesty's subjects in this Province, only a small proportion are members of the Church of England; and there is not any peculiar tendency to that church among the people, and that nothing could cause more alarm and grief in their minds, than the apprehension that there was a design on the part of Your Majesty's Government, to establish, as a part of the state, one or more church or denominations of Christians in this Province, with rights and endowments, not granted to Your Majesty's subjects in general, of other denominations who are equally conscientious and deserving, and equally loyal and attached to Your Majesty's Royal Person and Government. In following honestly the dictates of their conscience, as regards the great and important subject of religion, the latter have never been conscious that they have violated any law or any obligation of a good subject, or done any thing to forfeit Your Majesty's favour and protection, or to exclude themselves from a participation in the rights and privileges enjoyed by Your Majesty's other subjects.

We humbly beg leave to assure Your Majesty that the insinuations in the letter against the Methodist Preachers in this Province do much injustice to a body of pious and deserving men, who justly enjoy the confidence, and are the spiritual instructors

of a large portion of Your Majesty's subjects in this Province. We are convinced that the tendency of their influence and instruction is not hostile to our institutions, but on the contrary is eminently favourable to religion and morality; and their labours are calculated to make their people better men and better subjects; and have already produced, in this Province, the happiest effects.

While we fully and gratefully appreciate Your Majesty's gracious intentions in granting a royal charter for the establishment of an University in this Province, we would beg most respectfully to represent, that, as the great body of Your Majesty's subjects in this Province are not members of the Church of England, they have seen, with grief, that the charter contains provisions which are calculated to render the institution subservient to the particular interests of that church, and to exclude, from its offices and honours, all who do not belong to it. In consequence of these provisions its benefits will be confined to a favoured few, while others of Your Majesty's subjects, far more numerous and equally loyal and deserving of Your Majesty's paternal care and favour, will be shut out from a participation in them. Having a tendency to build up one particular church, to the prejudice of others, it will naturally be an object of jealousy and disgust. Its influence as a seminary of learning, will, upon these accounts, be limited and partial. We, therefore, humbly beg that Your Majesty will be pleased to listen to the wishes of Your Majesty's people in this respect, and to cause the present charter to be cancelled, and one granted free from the objections to which, emboldened by a conviction of Your Majesty's paternal and gracious feelings to your loyal subjects in this Province, as well as by a sense of duty to the people, and a knowledge of their anxiety upon the subject, we have presumed to advert.

We would also beg leave to state that it is the general desire of Your Majesty's subjects in this Province, that the monies arising from the sale of any of the lands set apart in this Province for the support and maintenance of a Protestant clergy, should be entirely appropriated to purposes of education and internal improvement. We would most humbly represent, that, to apply them to the benefit of one or two christian denominations, to the exclusion of others, would be unjust as well as impolitic, and that it might perhaps be found impracticable to divide them among all. We have no reason to fear that the cause of religion would suffer materially from not giving a public support to its ministers, and from leaving them to be supported by the liberality of their people.

* * * * *

We therefore humbly pray, that the monies arising from the sale of the lands set apart in this Province for the support and maintenance of a Protestant Clergy, may be placed at the disposal of the Legislature of this Province, for the purposes we have mentioned.

JOHN WILLSON, *Speaker.*

*Commons House of Assembly, }
20th March, 1828. }*

On the passing of the above Address the Yeas and Nays were taken as follows :

YEAS—Messieurs Baby, Beardsley, Beasley, Bidwell, Coleman, Fothergill, Hamilton, Hornor, Lefferty, Mc-Bride, McCall, McDonald of Prescott and Russell, Matthews, Perry, Peterson, Randal, Rolph, Thomson of Frontenac, White, Wilkinson, and Wilson—21.

NAYS—Messieurs Burnham, Cameron, Jones, McDonnell of Glengarry, McLean, Morris, Scollick, Thompson, of York, and Vankoughnett—9.

Mr. Morris voted against the Address on account of its praying for a part of the Reserves to be applied to "internal improvement." He wished to have them wholly applied to purposes of education, and moved to have the words "internal improvement" struck out of the Address ; but his motion was negatived by a majority of 18 to 12. But Mr. Morris voted for the Report on which the Address was founded.

In the autumn of the same year the famous Committee of the British House of Commons on the civil government of Canada was appointed, in compliance with the prayer of petitions from both Provinces, and investigated the whole subject again. With the report of that Committee the petitioners were well satisfied. It was naturally supposed that these proceedings, both in this Province and in England, would have finally settled the question of a dominant church in Canada ; but a selfish and baneful oligarchical party interposed between a loyal and deserving people and their sovereign, and defeated their exertions and thwarted their wishes ; so that the above Address of the U. C. House of Assembly was never even acknowledged by the Secretary of State for the Colonies !

Notwithstanding these constitutional and energetic proceedings, the dominant church system seemed to be basking in the sunshine of royal favour, and appeared to be acquiring additional advantages, until, from increased apprehension and dissatisfaction, a public meeting was held in the Presbyterian chapel in this town the 10th December 1830, when a petition to the British House of

Commons was adopted and recommended for general circulation and signature. Upwards of 10,000 names were attached to the petition; an agent was appointed to carry the petition to England, to advocate the prayer of it. The prayer of the petition was as follows:

“ May it therefore please your Honourable House to take the subject of religion and education in Upper Canada, into your most serious consideration—to take such steps as may be within the constitutional powers of your Honourable House—to leave the ministers of all denominations of Christians to be supported by the people among whom they labour, and by the voluntary contribution of benevolent societies in Canada and Great Britain—to do away with all political distinctions on account of religious faith—to remove all ministers of religion from seats and places of political power in the Provincial Government—to grant to the Clergy of all denominations of Christians the enjoyment of equal rights and privileges in every thing that appertains to them as subjects of His Majesty’s Government, and as ministers of the Gospel, particularly the right of solemnizing Matrimony, of which many of them have long been deprived contrary to the repeated and unanimous votes of the House of Assembly—to modify the Charter of King’s College established at York, in Upper Canada, so as to exclude all sectarian tests and preferences—and to appropriate the proceeds of the sale of lands heretofore set apart for the support of a Protestant Clergy, to the purposes of general education and various internal improvements.

And your petitioners, as in duty bound, will ever pray.

(Signed)

By 10,000 and upwards Inhabitants of the Province.”

I beg the reader to bear the above prayer of the petition in mind, together with the following resolutions of the House of Assembly, adopted 12th March, 1831; as these were the grounds of the first and only formal decision of the British Crown on the Clergy Reserve question.

“ Resolved,—That by the act of the Parliament of Great Britain and Ireland, 31st Geo. 3rd, one seventh of the lands of this Province was set apart for the support of a Protestant Clergy. That under that act, appropriations have from time to time been made; and which appropriations are in this Province known by the name of ‘the Clergy Reserves.’ That these appropriations having been generally made in lots of two hundred acres throughout the several Townships of this Province, the value of the same has been much enhanced by the settlement of the country, and principally from the improvement of the lands in the neighbourhood of such appropriations, by the labour of the inhabitants, composed of various denominations of Christians. That these

Reserves being so interspersed with the lands of actual settlers, have materially retarded the improvement of the country. That, by an act, passed in the reign of His late most Gracious Majesty, provision was made for the sale of a portion of the said Reserves. That it is *unjust as well as impolitic* to appropriate the said lands to the support of any one Church exclusively; and it is extremely difficult, if not altogether impracticable, to apportion or divide the same among the Clergy of all denominations of Protestants. That a large majority of the inhabitants of this Province are sincerely attached to His Majesty's person and government; *but are averse to the establishment of any exclusive or dominant Church.* That this House feel confident that, *to promote the prosperity of this portion of His Majesty's dominions, and to satisfy the earnest desire of the people of this Province, His Majesty will be graciously pleased to give the most favourable consideration to the wishes of His faithful subjects.* That *to terminate the jealousy and dissension which have hitherto existed on the subject of the said Reserves—to remove a barrier to the settlement of the country, and to provide a fund available for the promotion of education, and in aid of erecting places of public worship for various denominations of Christians, it is extremely desirable,* that the said lands so reserved be sold, and the proceeds arising from the sale of the same placed at the disposal of the Provincial Legislature, to be applied exclusively for those purposes. That an humble address be presented to His Majesty, setting forth the subject of this Resolution, and praying His Majesty will be graciously pleased to recommend to His Majesty's Parliament of Great Britain and Ireland to pass an act to authorise the sale of the Clergy Reserves remaining unsold, and to enable the Legislature of this Province to appropriate the proceeds thereof, in such manner as may be considered most expedient for the advancement of education, and in aid of erecting places of public worship for various denominations of Christians.

In amendment, Mr. HAGERMAN, Solicitor General, moved, that it be resolved, that the Imperial Parliament in pursuance of the gracious recommendation of our late revered Sovereign Lord, King George the Third, hath appropriated, for the maintenance and support of a Protestant Clergy within this Province, a certain allotment of lands usually known as the Clergy Reserves. That the diffusion of religious knowledge and instruction is an object of the first importance to the happiness and welfare of mankind. That the lands appropriated for the support of Ministers of religion in this Province, having been made with a view to this object, it is repugnant to the best interests of the inhabitants of Upper Canada to apply them to any other use. That it is the opinion of this House, that an humble address be presented to His Majesty, praying that His Majesty will not comply with any request which may be made to recommend to Parliament the alienation of the Clergy Reserves in this Province, to any other purpose than that for which they were set apart. That His Majesty be at the same

time informed that it is the earnest desire of His faithful subjects of Upper Canada to submit to the same Imperial Parliament that conferred the land in question, to determine on such alteration in the distribution or disposal thereof, as in their wisdom may be deemed best calculated to carry their original intention into effect, and that this desire is expressed with a view to the final settlement of a question which has caused much discussion and difference of opinion on this important subject among *His Majesty's subjects* in Upper Canada."

Against Mr. Hagerman's amendment and for the original resolution voted Messrs. Beardsley, Berczy, Bidwell, Campbell, Chisholm, Clark, J. Crooks, W. Crooks, Duncombe, Elliott, A. Frazer, Howard, Ingersoll, Jones, Ketchum, Lyons, McCall, D. McDonald, Mackenzie, McMartin, Maçon, Morris, Mount, Perry, Randal, Roblin, Samson, Shaver, White—30.

NAYS—Messieurs Boulton, Burwell, Jarvis, Jessup, Robinson, Sol. General Hagerman, Vankoughnett—7.

The Agent of the Petitioners in London laid the foregoing resolution and proceedings before the Secretary of State for the Colonies, and continued his advocacy until at last Royal instructions were sent out authorising the sale and appropriation of the proceeds of the Reserves *in accordance with the prayer of the Petitioners and the representations of the Assembly*—the most tory Assembly (if the term be allowable) that was ever elected in U. Canada—an Assembly which repeatedly expelled an obnoxious member (the traitor Mackenzie) for the same offence—an Assembly of unquestionable loyalty, Dr. Strachan himself being judge—yet such was the voice of truth, of justice, of wisdom, of patriotism, on this great question, that Mr. Hagerman was left in a pitiful minority of seven!—The decision of His late Majesty was communicated to the House of Assembly in the following Message.

"J. COLBORNE.

The Lieutenant Governor has received His Majesty's commands to make the following communication to the House of Assembly in reference to the lands, which, in pursuance of the Constitutional Act of this province, have been set apart for the support and maintenance of a Protestant Clergy.

The representations which have at different times been

made to His Majesty and his Royal Predecessors of the prejudice sustained by His faithful subjects in this province, from the appropriation of the Clergy Reserves, have engaged His Majesty's most attentive consideration.

His Majesty has with no less anxiety considered how far such an appropriation of Territory is conducive, either to the temporal welfare of the Ministers of Religion in this province, or to their spiritual influence. Bound no less by His personal feelings, than by the sacred obligations of that station to which Providence has called him, to *watch over the interests of ALL the Protestant Churches within His Dominions*,—His Majesty could never consent to abandon those interests with a view to any objects of temporary and apparent expediency.

It has therefore been with *peculiar satisfaction* that, in the result of his enquiries into this subject, His Majesty has found that the CHANGES SOUGHT FOR BY SO LARGE A PORTION OF THE INHABITANTS of this province MAY BE CARRIED INTO EFFECT WITHOUT SACRIFICING the JUST CLAIMS of the *Established Churches of England and Scotland*. The waste lands which have been set apart as a provision for the Clergy of those venerable bodies, has hitherto yielded no disposable revenue. The period at which they might reasonably be expected to become more productive is still remote. His Majesty has solid grounds for entertaining the hope that, before the arrival of that period, it may be found practicable to afford the Clergy of those churches such a reasonable and moderate provision as may be necessary for enabling them properly to discharge their sacred functions.

His Majesty, therefore, *invites the House of Assembly of Upper Canada to consider how the powers given to the Provincial Legislature by the Constitutional Act, to VARY or REPEAL this part of its provisions, can be called into exercise most advantageously, for the spiritual and temporal interests of His Majesty's faithful subjects in this Province.*

Government House, 3 }
25th January, 1834." }

Who could have thought that the dominant Church party would have ventured upon any further resistance to the voice of the people on the one hand and the mandate of the Sovereign on the other? Yet so it was. The Episcopal Clergy commenced privately circulating petitions in favor of their exclusive claims; and so secret were they, that they prosecuted their work three months before they were detected; when a counter petition to the King was got up publicly, and though the period of its circulation was confined to *March and April*--a most unfavorable season of the year for travelling--upwards

of 20,000 signatures were obtained, and in June of the same year, the writer of these letters presented the petition to Mr. (now Lord) Stanley, to be laid before His late Majesty, and drew up and laid before Mr. Stanley a written statement of the secret manner in which the dominant Church petition had been got up and circulated, and the various religious and political grounds on which the erection of any dominant Church or Churches were resisted by the great body of the inhabitants of Canada.

But the concluding and most important part of my narrative must be reserved for another letter.

I have the honor to be, &c. &c. &c.

September 22nd, 1838.

No. IV.

September 29, 1838.

SIR :

In the concluding part of my last letter, I quoted the answer of His late Majesty to the several petitions of the inhabitants and House of Assembly of this Province against the establishment of one or more Churches with peculiar privileges and endowments, and in favour of the appropriation of the Clergy Reserves to educational and other purposes of religious and general benefit. The Royal answer was a compliance with the prayer of the petitioners; nor has it ever yet been reversed or cancelled. I have stated that the immediate petition to which so gracious an answer from the Throne was obtained, was adopted at a public meeting held in the Presbyterian chapel (Hospital Street) in this town in December, 1830, and was signed by upwards of 10,000 inhabitants. My narrative would be imperfect, and I should do injustice to the general question, were I to omit mentioning the efforts which were employed to paralyze

and destroy the influence of that petition with the Imperial Government. A petition to the King was got up and signed by the Episcopal Clergy for that purpose. Through the incautiousness and weakness of a Clergyman, an Editor at St. Catharines obtained a copy of the petition for publication in the *Farmer's Journal*. From this extraordinary production, (containing also the *fourth* gratuitous attack of the Episcopal Clergy upon the Ministers of the Methodist Church,) I make the following extracts :

“ *To the King's Most Gracious Majesty.* ”

The Petition of the Bishop and Clergy of the Diocese of Quebec,

HUMBLY SHEWETH:—That through the energy of certain individuals, calling themselves “the friends of religious liberty,” great efforts are making in this Colony to obtain numerous signatures to a petition praying the Imperial Parliament to authorize the “appropriation of the proceeds of the sale of lands heretofore set apart for the support of the Protestant Clergy, for the purpose of general education, and various internal improvements.”

The most active promoters of this Petition are the Preachers of the Methodist denomination, in the Upper Province, who for the most part obtain their ordination in the United States, and who have no connexion with, or dependance upon, the Methodist Conference in England, or upon any religious body within the British Dominions.

Your Petitioners know not what degree of success may attend the exertions every where used to obtain signatures, but from the little difficulty which presents itself on such occasions, when the usual measures are restored to, they doubt not that the unresisted efforts of a multitude of subordinate committees, aided by the persevering importunities of local and itinerant Preachers, may procure more than an ordinary number of names.

It has appeared to your Petitioners that the peace of society, and the interests of religion would be best consulted by their forbearing to excite even their own congregations to an expression of their opinion in the same popular form or to enter into that kind of contest which would be necessary for opposing successfully, the agents of this self-constituted committee; they have therefore on this account, as well as from a deference to the declared opinion of the Colonial

Government, abstained from such measures, at the hazard of subjecting their conduct to the misconstruction which is applied in the petition to the silence of the friends of the Church of England in these Provinces.

The lands which the signers of the Petition referred to, desire to see diverted from their object, are beginning at length to be productive, from the improved condition of this colony."

* * * * *

"The religious endowment which certain Methodist Missionaries, through the influence of newspapers and petitions, are now labouring to destroy, was made upon the express recommendation of our late beloved Sovereign, George the Third, in a Message to Parliament; it has the strong and secure sanction of a British Statute; it is coeval with the constitution of these Provinces; it forms a part of the Charter upon the faith of which our very Government rests, and in reliance upon which thousands of the most respectable families from Great Britain have made, and are making, these Provinces their home."

* * * * *

"Your petitioners farther consider themselves prepared to show, that any legal claim of the Church of Scotland to be maintained as an Established Church out of Scotland, is directly repugnant to the express terms of the act of union; that it is equally inconsistent with the principles recognized by Parliament, and acted upon by the Government since that æra," &c. &c. &c.

* * * * *

"Your Petitioners humbly supplicate Your Majesty, that these exertions may not be crowned with success; they declare with that sacred regard to truth which becomes their profession, that the venerable church to which they belong, and the pure worship it enjoins, are not unacceptable to the people of these provinces.—They affirm, on the contrary, that she is increasing with encouraging rapidity under the prospects of support which the law assures her; that she has an interest in the hearts of a large proportion of your Majesty's subjects in this colony, which affords a flattering promise of her future usefulness; and that nothing is required but the continuance of the fostering care of your Majesty, to sustain her against every effort to excite an unreasonable and injurious prejudice against her."

Up to this time the Methodist Ministers as a body had never expressed any opinion on the subject—it had never been brought before the Conference—although the

Preachers individually were agreed in their views, and many of them had taken a decided part in the question. However, at the ensuing annual Conference, held in Toronto, Sept. 1831, the Episcopal Clergy Petition was referred to a Committee of Preachers, who reported a Memorial in reply to it, for the adoption of the Conference. The Conference adopted the Memorial, from which I extract the following paragraphs:

“TO THE KING’S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

The Memorial of the President and Itinerant Ministers of the Methodist Church in Canada, assembled in Conference—

MOST HUMBLY SHEWETH:

That your Memorialists have read with pain a copy of a Petition, purporting to be from the “Bishop and Clergy of the Diocese of Quebec,” lately forwarded from this Province to be presented to your Majesty by the Lord Bishop of Quebec; in which the motives, character, and conduct of your Memorialists are represented in a false and prejudicial light; and the state of public opinion respecting the claims of the Episcopal Clergy to the Clergy Reserve lands in this Province, is, by intelligible and strong insinuations, stated to be quite different from what it really is.

Your Memorialists regret the occasion of addressing Your Majesty on the topics brought forward in the petition of the Episcopal Clergy. They consider that points of difference, not affecting the essential principles of the Christian faith, but of merely prudential consideration, ought not to destroy or interrupt the exercise of Christian friendship and mutual good will among different classes of Christian Ministers, whose avowed object is to impart to mankind the instructions and blessings of a common Gospel. But your Memorialists conceive that for them, under present circumstances, to remain any longer silent, either as to statements and insinuations which relate to themselves, or to the general question of a Church Establishment in Upper Canada, would be a dereliction of duty to Your Majesty, to themselves, and to the religious interests of the Province; for the improvement and happiness of which, and its undisturbed continuance under Your Majesty’s beneficent Government, your Memorialists deem it alike their duty and privilege to pray and labour.

In the Petition of the Episcopal Clergy—a copy of which, as published in the Provincial newspapers, is hereunto annexed, marked A.—your Memorialists are represented as the principal promoters of a certain ‘Petition, praying the Imperial Parliament to authorize the appropriation of the proceeds of the sale of lands heretofore set apart for the support of a Protestant Clergy, for

the purpose of general education and various internal improvements.' The obvious intention of this statement, taken in connection with other statements in the petition of the Episcopal Clergy, is, to impress upon your Majesty's mind, that the 'Methodist Itinerant and Local Preachers,' and a small portion of the uninformed part of the population of Upper Canada, are the only persons opposed to the claims of the Episcopal Clergy.

That such a representation is altogether gratuitous, is clearly evident from the fact, that the claims of the Episcopal Clergy have been resisted every year for several years past, by nearly unanimous votes of the Provincial Parliament, not more than four or five members of which have at any time belonged to the Methodist Church, but a large majority of which have professedly belonged to the Episcopal and other Churches. It is a notorious fact, that so decidedly and generally are the people of this Province in favour of the prayer of the petition to the Imperial Parliament, referred to by the Episcopal Clergy, that the Provincial House of Commons passed resolutions corresponding with the prayer of that petition, only a few days before the Lord Bishop of Quebec left the Colony for England;—resolutions which accorded with what had been repeatedly adopted on the same subject by *two* preceding *Parliaments*.

Your Memorialists consider it of no consequence to the general question who were the most active promoters of the petition to the Imperial Parliament, seeing that the promoters of the petition only exercised an individual right guaranteed by our constitution. But that others felt a deep interest in the objects of the petition to the Imperial Parliament, and were active in promoting its circulation, is manifest from the annexed copy of a letter, marked B, written by a leading minister of the Baptist Church, whose peregrinations have extended over a large portion of the Province. Many testimonies to the same effect might be adduced, did your Memorialists consider them necessary or any wise important.

The Episcopal Clergy represent your Memorialists as 'for the most part obtaining their ordination in the United States, and having no connexion with, or dependence upon, the Methodist Connexion in England, or upon any religious body in the British realms.' From the manner in which the Episcopal Clergy express themselves, they clearly intend to excite a belief or suspicion in Your Majesty's mind, that the 'Methodist denomination in the Upper Province' maintain some *foreign* connexion, which renders their fidelity to your Majesty's Government at least somewhat objectionable. How far such insinuations are well founded or warrantable, either in fact or in principle, your Majesty will be able to judge from the authentic and correct evidence attached to the annexed Report of a Select Committee of the Provincial Parliament, marked C; a Report which was printed by order of the Parliament only a few weeks before the Lord Bishop of Quebec embarked for England with the Petition containing statements

and insinuations so groundless and injurious to the character and interests of your Memorialists. Most pernicious misrepresentations, to the great prejudice of your Memorialists, were made by the heads of the Episcopal Clergy in Canada to the Government of your Majesty's late Royal Brother, their late revered Sovereign; but it had been hoped that the exposure of these misrepresentations before a Select Committee of the Imperial House of Commons on the Civil Government of Canada, and especially the ample and complete refutation of them before a Select Committee of the Provincial Parliament, as contained in its Journals of 1828-9, would have prevented the recurrence of what is so gratuitous in itself, and so greatly at variance with the Christian law of justice between every man and his neighbour.

The Episcopal Clergy state, that the 'support of the various dissenting sects was for a time given to the exertions of the Church of Scotland,' as claiming to a joint establishment with the Church of England. This statement, your memorialists apprehend, is not borne out by the evidence of fact; and they solemnly declare, that as far as they are concerned, it is contrary to fact. It is true, that *some* who now countenance the claims of the Kirk Clergy, formerly united with others against the pretensions of the Episcopal Clergy; but never did your memorialists, or, to their knowledge, any 'dissenting sect,' give any more support to the claims of the Kirk Clergy to this pre-eminence, than to those of the Episcopal Clergy. As the communicants of either the Church of England or of Scotland, or both, are less numerous than those belonging to some other denominations of christians, separately taken, your memorialists do consider, and have always considered, the exclusive claims of both the Episcopal and Kirk Clergy to pre-eminence, to be alike unreasonable.

In the petition to the Imperial Parliament, to the promotion of which your memorialists are represented as having mainly contributed, no false or disingenuous insinuations were thrown out against the Episcopal Clergy; but, on the contrary, they were referred to in terms the most respectful and courteous that the nature of the subject would admit—and your memorialists can only account for so different a course on the part of the Episcopal Clergy, from the fact, that it has uniformly been a principal feature in the representations and measures of the advocates of a Church Establishment in Canada, and seems to be the natural result of their extravagant pretensions.

The Episcopal Clergy state their conviction, that the 'agitation' of this question in the Colony is 'impolitic and injurious to religion.' But it is worthy of remark, that the 'agitation' of this question was commenced by the Archdeacon of York, who made and repeated the most uncalled for attacks upon, and most flagrant misrepresentations of, the Methodists and other christian denominations. The Archdeacon of York was afterwards followed by the Lord Bishop of Quebec, who strongly 'agitated' the question

in a printed Pastoral Letter to the Clergy of the Diocese of Quebec; and the claims of the Episcopal Clergy have been as fully advocated in printed speeches, pamphlets, letters, newspaper communications, &c., put forth by individual clergymen or members of the Episcopal Church, as, in the opinion of your memorialists, a more liberal, equitable, and judicious policy has been advocated. These discussions, however, have always resulted unfavourably to the pretensions of the Episcopal Clergy, as far as public opinion in the colony could affect them; and public opinion against a Church Establishment has become so decided, general, and strong, that the Episcopal Clergy are doubtless anxious to suppress the expression of it on the question. But your memorialists are not aware that the Episcopal Clergy considered the 'agitation' of this question 'injurious to the interests of religion,' until all prospects of obtaining the countenance of any considerable portion of the Upper Canada population to their measures had failed, and a firm determination was manifested on the part of the people to resist, in every constitutional way, a policy which, it is believed, is fraught with much evil to the Province.

* * * * *

[The following reasons, urged by the Methodist Conference in 1831 against the erection of a dominant Church, have been painfully illustrated by the history of the Province up to the present moment.]

Of the many reasons which have been and may be adduced for an Ecclesiastical Establishment in Great Britain, your Memorialists would not presume to express an opinion; but they now feel it their duty most respectfully to submit to your Majesty, that the erection or continuance of an Ecclesiastical Establishment in Upper Canada, embracing one or more Churches with peculiar immunities, and advantages in the direction of education, &c., is fraught with consequences highly injurious to the interests of the *state* and of *religion* in the colony.

1. It appropriates a large portion of the revenue of the country without receiving any adequate equivalent in return. This is evident from the fact, that Churches in the colony which have received no public grants for the maintenance of their clergy, have flourished and increased far more rapidly than the Episcopal Church; and their members are equally moral, equally loyal, and equally valuable subjects of your Majesty with the members of the Episcopal Church.

2. It is a fruitful source of misunderstanding and dispute between the different branches of the Colonial Legislature. The principal agitations which have interrupted the harmony between the popular and executive branches of the Colonial Government, have originated in attempts to create or maintain political distinctions on account of religious faith; the natural consequence of identifying one or more denominations of Christians with the

Government in contradistinction to all others, though equally respectable, loyal and useful.

3. It arrays large portions of the population in opposition to the measures of the Government, and has a tendency to destroy their confidence in the equity of its administration, when it thus proceeds upon a system of favouritism and partiality. This effect is the more to be deprecated and more alarming in Upper Canada, when it is considered that the excluded classes constitute a very large majority of the people.

4. It occasions endless discord, litigation, and animosity among the different classes of the population. The proscribed classes aware from the constitution of human nature, the history of past ages, observation, and experience in this province, of the tendencies of all bodies, whether ecclesiastical or political, when unchecked, to accumulate and exercise arbitrary power, especially in a small colony, and perceiving that the *Executive* branch of the Government—designed for the equal protection and encouragement of *all* classes of loyal subjects—is identified with some one, or more than one, denomination of christians in contradistinction to all others, feel that the only actual security of the continued enjoyment of their civil and religious liberties and privileges, exists in the *Representative* branch of the Government. Hence, while continual jars are produced between the representative and executive branches of the Government, heart-burnings and contentions disturb the tranquillity and sever the affections and interests of the several classes of the population.

* * * * *

To these facts may be added another, which, though not of equal weight with the above, is, in the opinion of your memorialists, of considerable importance to the general question. Whilst there are other christian denominations, separately considered, far more numerous than either the Church of England or of Scotland, they are also prior in respect to the period of their labours and actual existence in the Colony. In a Sermon preached by the Archdeacon of York on the occasion of the death of the late Bishop of Quebec, printed in 1826, the author admits that, up to that time, the benefits of the labours of the Episcopal Clergy 'were little known or felt' in Upper Canada. Up to the year 1818, there was but one Clergyman of the Church of Scotland in the Province. This, however, was not the case with several other denominations of christians, whose ministers had laboured and formed congregations in every settled district in the province before this period. These denominations, therefore, stand in a very different relation to the Church of England and Scotland in this province from what they do in Great Britain; and under these circumstances, considering their priority in point of actual existence and numbers, and the fact that very few of their members have ever belonged to either the Church of England or Scotland, your memorialists conceive the prerogatives sought by the Epis-

epopal and Kirk Clergy have little foundation in reason or good policy, and that the terms 'dissenting sects' are quite as applicable to the Churches of England and Scotland in the colony as to those christian denominations to whom the Episcopal Clergy contemptuously apply them.

Your memorialists most respectfully submit to Your Majesty, that a Church Establishment is no more conducive to the *religious*, than it is favourable to the political, interests of the Colony.

* * * * *

A Church Establishment in the colony may elevate and in many cases enrich the patronized Clergy; it may in some instances induce persons from worldly considerations to frequent the endowed Church or Churches; it may throw a sort of imposing splendour around the hierarchy, which may thus obtain the compliments and countenance of self interest; but it will do all this, in the opinion of your memorialists, at the expense of what is confessedly far more important—the popular equity, if not permanency, of the government—the happiness and united interests of the people—the purity and efficiency of the christian religion.

In support of these sentiments, your memorialists beg leave to add one general fact. In the United States the Episcopal Clergy derive no maintenance from the government; in this country it is otherwise. Yet in the United States the Episcopal Church is "increasing and flourishing in a remarkable degree," whilst in this country she languishingly exists, but does not flourish.

* * * * *

Your memorialists therefore feel satisfied, that in the state of the population in Canada, neither the real interests of the Church itself, nor of the government, nor of the people, nor of religion, require the endowment sought and claimed by the Episcopal Clergy; but on the contrary, they believe that all these interests will be best consulted and promoted by leaving all ministers of religion in the enjoyment of the same political privileges and advantages, and appropriating the proceeds of the sale of lands heretofore set apart for the support of 'A Protestant Clergy' to the purposes of general education and perhaps to other internal improvements. When these Reserve lands, which have heretofore been so serious an obstruction to the general improvement of the country, are appropriated to general purposes, the Catholic and all other classes of Your Majesty's faithful and loyal subjects will be alike benefitted by them.

Your memorialists, from a sense of duty, have thus presumed to vindicate themselves from uncalled for attacks, and in the present exigency to lay a plain statement of the facts connected with the question of a Church Establishment in the colony before Your Majesty. And should the correctness of any of their statements or representations be called in question, your memorialists humbly entreat of Your Majesty an opportunity to substantiate them, which they feel themselves fully able to do.

MOST GRACIOUS SOVEREIGN :

Your memorialists beg leave to approach the Royal Throne, and from the warm affections of their hearts, to present to Your Majesty their sincere and grateful thanks for the Royal Assent to the Marriage Act, sanctioning the right of ministers of different christian denominations in Upper Canada to celebrate the banns of matrimony,—a privilege which has been long and earnestly sought for by the people and their representatives, and the Royal sanction to which has assured and satisfied the people of this province of Your Majesty's earnest desire to comply with their reasonable wishes and promote their best interests.

* * * * *

That Your Majesty, and Your Majesty's Royal Consort, may be blessed with health, long life, and happiness; that the richest blessings of Christianity and Providence may be poured upon the United Kingdom of Great Britain and Ireland, and its numerous and extensive dependencies; that uninterrupted peace and unrivalled prosperity may crown Your Majesty's auspicious reign; and that all the deliberations of Your Majesty's Government may result to the satisfaction and promotion of the best interests of every portion of Your Majesty's dominions and the perpetual honour and stability of the British Throne, is the daily and fervent prayer of Your Majesty's memorialists.

York, U. C., September 8th, 1831."

The Memorial from which the foregoing extracts have been made was transmitted to England through Sir John Colborne, then Lieutenant Governor, according to the instructions of the Secretary of State for the Colonies, which had, a short time previously, been published in the U. C. Gazette. In reply to the short address of the Methodist Conference, requesting him to forward the Memorial, with the documents accompanying it, to the Secretary of State, to be laid before His Majesty, Sir John Colborne entered into the merits of the Memorial to the King; His Excellency's answer contained reflections upon the Methodist Conference for discussing the question, and was considered an interference with the right of petitioning the King, and gave great offence to the whole Methodist body, as well as to very many others. It was always supposed that Sir John's unadvised reply was written by a violent Episcopal Clergyman, who was known to be intimate at the Government House, as it was so much at variance with Sir John's general character. It was also understood that when

Sir John saw the effect it was likely to produce, and did produce, he deeply regretted it. This much, however, may be said, that Sir John henceforth availed himself of every opportunity to heal the breach—he redressed every complaint made to him in regard to reprehensible Episcopal interference with Methodist Indian Missions—and afforded every facility, and countenance, and assistance in the conversion and improvement of the aboriginal Indian Tribes. These acts of Sir John were duly acknowledged before the public; and the Editor of the Guardian endeavoured to efface from the minds of his readers and the public the unfavourable impression which had been made by Sir John's uncourteous and unfortunate reply of 1831: but it had sunk deep in the mind of the whole country,—like the declaration of the Duke of Wellington in the House of Lords, before the passing of the Reform Bill, that “no Reform was necessary,”—and was afterwards employed by partizans equally hostile to the Methodists and Sir John as an important instrument in overthrowing his government.

To return from this digression. It is a rather singular fact, that the Episcopal Clergy who, in 1831, deprecated the idea of circulating petitions among the inhabitants of the Province on this subject, did themselves commence the circulation of petitions among the same inhabitants on the same subject in the course of the following year—yes, they did themselves in 1832-3, what they had condemned others for doing in 1830-1. They seemed to have received an intimation from a high quarter that some counter-expression of public opinion in the Province was necessary in order to justify His late Majesty's Government in rejecting the prayers of more than 10,000 of his Canadian subjects. As mortifying as it must have been for the asserted sole successors of the Apostles, and the only authorised instructors of the people, to pay any the slightest deference to public opinion, and as much as it contravened their own recorded sentiments, they commenced the circulation of petitions in favour of their own exclusive claims to the Reserves—yet not in the open and public way that those whom they had

assailed had done, but in a perfectly private manner. So entirely secret did they keep the whole proceeding, that they prosecuted their work from *October to February* without being discovered or suspected. The writer of these letters was at that time at St. Catherines, Niagara District, on the eve of his first voyage to England, when he was informed that a member of the Methodist Church in that village had been requested to sign a petition (which was in the possession of the Episcopal Clergy) against the establishment of Tithes, and in favour of the appropriation of the Reserves for the improvement of roads and bridges. I confess suspicion was excited in my mind. By the assistance of a friend, a copy of the petition was with difficulty obtained. The disclosure of this secret proceeding created no small sensation in the Province. A counter petition to the King was forthwith got up, to which, in the course of two months, upwards of 20,000 names were affixed. Mr. Attorney General was the bearer and advocate of the Episcopal petition, (a) and the writer of these remarks presented and advo-

(a) The following is a copy of the Episcopal petition, (signed by 6,000 :)

“ TO THE KING’S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN :

We, Your Majesty’s dutiful and loyal subjects, the Clergy and members of the Church of England in Upper Canada, with other inhabitants, deeply interested in its prosperity, most humbly approach Your Majesty on a subject of the utmost importance to the well-being of this colony.

Your Majesty’s humble petitioners are composed of Loyalists and their children, who took refuge in Upper Canada after the American Revolution, under a solemn pledge of receiving the same constitution as that of the Mother Country; a constitution which includes a decent provision for the due administration of the Word and Sacraments, according to the forms of the Church of England.

These pledges were fully redeemed by the Statute 31st George III., chapter 31st, establishing the Government of the Province, which, amidst many salutary enactments, provides for the support of a Protestant Clergy, in a way that imposes no burthen upon any class of people, or any disability upon those who profess a different faith.

Your Majesty’s faithful petitioners consist also of emigrants from the Parent State, who have been more especially induced to leave their native land and to settle in this colony, because they felt secure that they and their children would enjoy the inestimable privilege of worshipping their God and Saviour, as their fathers had done before them; since, at the most earnest desire of our late King, your Royal Father, communicated to his Parliament, provision was made for the support of the Christian Religion in Upper Canada.

Your Majesty’s humble petitioners desire to draw your attention to the Message of your Royal Father of blessed memory to his Parliament, and to the enactments in the Canada Act, made in consequence of that wise and gracious recommendation, and they would further appeal to the Coronation Oath, which insures to Your Majesty’s subjects the Royal favour and protection to

cated the general petition. (b) The Episcopal petition, which was originally addressed to the King, was metamorphosed into a petition to the House of Lords, and

the United Church of England and Ireland, in every dependency of the British Empire, and which we rejoice to see so amply confirmed by Your Majesty's recent declaration to the Bishops, on the 28th of May last, expressing your Royal determination to uphold the Church in the full enjoyment of all her rights and privileges; and that Your Majesty considered the unimpaired prosperity of the establishment in which you have been educated, as essential alike to the temporal and spiritual welfare of the people.

We would most humbly represent to Your Majesty, that under all these circumstances, we cannot but consider a provision for the maintenance of a Protestant Clergy in this Province our birthright, and guaranteed to us by the law of the land, as well as by the most solemn pledges; and we feel with deep concern the great injustice of the efforts now making to deprive us of this our vested right; nor can we suppress our indignation when such efforts are made to work this injury upon Your Majesty's dutiful subjects, who have done and suffered so much for their loyal acts and principles, chiefly by persons who have no comparative claim upon the British Crown, and who are either ignorant of or insensible to the fundamental principles of our glorious constitution.

On this occasion we do not appeal so much to Your Majesty's well known Grace, which at all other times we feel happy to acknowledge, as to Your Majesty's equity: we claim the continued security of our undoubted rights—that justice to which all are entitled—that regard to our religious privileges, which is paid to those of our Lower Canada brethren of the Roman Catholic Religion, to whom the pledges of Your Majesty's Government for the protection of their form of worship and support of their Clergy, are not stronger than those held by Your Majesty's petitioners.

Your petitioners fully trust that Your Majesty will, in your gracious wisdom, maintain to them the advantage of a permanent provision for the support of public worship, according to the National Church of England, guaranteed to them by the most solemn pledges, and by the law of the land, and of which they have been in possession more than forty years, and that this tie which binds us to Your Majesty's paternal Government, and which we value more than life, will not be rudely broken at the instigation of the enemies of their rights, and of the prosperity of the British Crown."

(b) The following is a copy of the General Petition, (signed by upwards of 20,000):—

"TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN:

Satisfied of Your Majesty's earnest and parental desire to promote the happiness and welfare of all classes of Your Majesty's faithful and loyal subjects, the undersigned inhabitants of the Province of Upper Canada beg to express their unfeigned attachment to Your Majesty's person and government, and approach the Royal Throne with the confident assurance that their reasonable wishes will receive the most attentive and candid consideration, and the alarming evils they deprecate will be effectually averted.

That a very large majority of the intelligent and loyal inhabitants of this Province are desirous of applying the proceeds of those lands commonly called the Clergy Reserves to purposes of general interest, and are decidedly opposed to the erection or continuance of one or more State Churches, with peculiar immunities and prerogatives, must be obvious to Your Majesty, from the divided state of religious opinion in this Province—from the petitions and remonstrances which have of late years been addressed to the Royal ear—and from the recorded addresses of successive Provincial Parliaments, which, however widely they may have differed on other questions of political economy, have uniformly declared, by very large majorities, the unaltered and nearly unanimous opinion of the inhabitants of this Province, to be directly and strongly opposed to any system that would give any one Church or denomination of professing Christians the slightest political advantage over another.

presented by the Bishop of Exeter in March last, *six* years after signature; as a petition from "the Protestant inhabitants of Upper Canada," signed by nearly 6,000. The Archdeacon of York has disclaimed any knowledge of this proceeding. It is also worthy of remark, that the petition to the House of Lords varies *in detail* of the "religious destitution," considerably from the petition addressed to His late Majesty, to which the names of the petitioners were originally affixed. This anomalous and extraordinary business looks very like the doings of the famous Mr. Bettridge.

When Mr. Hagerman presented the Episcopal petition to the King, to which the 6000 names were originally attached, the Secretary of State for the Colonies, (Mr., now Lord, Stanley) directed him, it seems, to prepare his statement in writing in support of it. In a note from the Colonial Office, dated July 13, 1833, Mr. Under Secretary Hay informed me—"I am directed by Mr. Secretary Stanley to acquaint you, that Mr. Hagerman

Your petitioners have, therefore, with mortification and deep concern, learned from current report, that the Clergy of the Episcopal Church in this Province are, for their own individual emolument, procuring signatures to petitions to be laid before Your Majesty's Government, on the disposal of the Clergy Reserves for their support and endowment; an application of the said Reserves notoriously opposed to the interests and repeatedly expressed wishes of a very large majority of the people of Upper Canada.

The clandestine manner in which signatures have been and are being obtained to these petitions, is as reprehensible as the object of them is unjust and invidious. They have been surreptitiously circulated; the objects of them have, in many instances, been misrepresented, to induce the uninformed to attach their names to them; the discussion of their merits has been cautiously avoided; not a public journal or newspaper favourable to them has even intimated their existence; and every possible secrecy has been observed in the promotion of them. To how great an extent such insidious efforts may have been, or may be, successful in the collection of names, your petitioners cannot conjecture; but they can assure Your Majesty, with perfect sincerity and confidence, that the public feeling and sentiment respecting the claims of the Episcopal Clergy, remain unchanged and established; and that the prevailing and fixed opinion of a very large majority of all denominations of professing Christians in this Province, and of the inhabitants generally, is most decidedly against the endowment of any one or more Churches with the Clergy Reserves, or any portion of them, and against any political distinctions whatever among the several religious denominations in the Province.

Your petitioners, therefore, most humbly and earnestly pray, that Your Majesty will not listen to any misrepresentations or requests that would give the Clergy of the Church of England, or of any other Church, an advantage over their brethren of other denominations; but that all political distinctions on account of religious faith be entirely and for ever done away; that the Clergy of each denomination may be supported by the voluntary contributions of their own congregations; and that the Clergy Reserves may be applied to the purposes of General Education.

And your petitioners, as in duty bound, shall ever pray."

is preparing a statement in writing of his views on the Clergy Reserves, and that Mr. Stanley will have no objection to receiving a communication from you made in the same mode." The nature of Mr. Hagerman's statement I have never learned ; my own statement was afterwards published in the Guardian for October 30, and November 7, and 14, 1833.

I now return to the proceedings of the Legislature. I have stated that in the most tory Assembly that was ever elected in Upper Canada, a resolution to dispose of the Reserves for educational purposes was adopted, in the Session of 1833, by a majority of 30 to 7, and that an amendment of Mr. Hagerman's to re-invest them in the Crown was negatived by the same majority. I also gave the names of the yeas and nays. In the following Session of 1834, a bill, entitled "An Act to provide for the Sale of the Clergy Reserves in this Province for the purpose of general education in the same," passed through its several readings by a majority of 22 to 12, and was sent up to the Council, where it was rejected. In amendment to this bill in the Assembly, it was moved to introduce a bill to re-invest the Reserves in the Crown for the general purposes of religion, but it was rejected by a majority of 27 to 8.

In the first Session (1835) of the new Parliament, the same bill to appropriate the Reserves to educational purposes, was passed by a majority of 39 to 7 ; but was rejected by the Legislative Council. In the following Session the same bill was again passed by the Assembly, by a majority of 33 to 5 ; and an amendment moved by Mr. Hagerman to submit the subject to the decision of the King and Imperial Parliament was negatived by a majority of 43 to 4.

About this time the erection and endowment of the RECTORIES was made known by a Message from the Lt. Governor to the House of Assembly. That untoward event was announced by the late Editor of the Guardian in the following forcible language :

From the Christian Guardian, April 6, 1836.

"We have learned with extreme regret, that His Excellency Sir John Colborne has thought proper, during the latter part of

his administration of the affairs of this Province, to take a step which, we are confident, will meet with the strongest disapprobation of nineteen-twentieths of its inhabitants, and which will have a greater tendency to create discontent than any other act of his administration. We allude to the establishment of Rectories, to the number of *forty-four*, each with an endowment of from 105 to 800 acres of *Clergy Reserves*, some including valuable Town lots, as will be seen by the Schedule which we publish to day. The value of the endowments is not so much the subject of animadversion, as the principle involved in the act itself, a principle directly opposed to the known wishes of the country, and, in our opinion, directly at variance with its religious interests. After the repeated expression of the opinions of His Majesty's subjects in this colony, against the establishment of any church with exclusive rights and privileges,—opinions expressed time after time in the addresses from the popular branch of the Legislature, *in which all parties have been nearly unanimous*, and in numerous signed petitions to His Majesty's Government and the Imperial Parliament, supported by Christians of every denomination, including a very respectable portion of *the members of the Church of England*,—we had been led to entertain a hope, almost amounting to certainty, that no attempt would be made to *force* upon this country an established religion."

It was during this Session that the rupture took place between Sir F. Head and the late House of Assembly respecting the Executive Council, in consequence of which the supplies were refused and the Parliament was dissolved. In the elections of 1836, you know, Sir, the question decided had no relation to the Clergy Reserves. It was whether the inhabitants of this Province would remain an integral portion of the British Empire? This was the light in which I viewed that contest—these were the words in which I put it in letters which were very extensively circulated at the time—this was the light in which it was stated by Sir F. Head himself, and viewed by almost the whole *constitutional* party. And before the present House of Assembly should proceed to settle the question upon a different principle from that which has been insisted upon by the inhabitants and sanctioned by preceding Parliaments for a period of *fourteen years*, there ought to be a dissolution and an appeal to the country interested.

At the next annual Conference of the Ministers of the Wesleyan Methodist Church, after the erection of the

Rectories in 1836, an Address was adopted to his late Majesty, deprecating the erection of the Rectories, or the establishment of any one or more Churches in the Province with peculiar privileges or immunities. The present Assembly at its first session adopted a resolution in favour of appropriating the Reserves for the religious and moral instruction of the Province. But its proceedings during the late session were so vacillating, that it is now difficult to say what the opinions of the members of the present Assembly are. They were elected with a view of maintaining the connexion of the Province with the Mother Country, although I believe a very considerable majority of them gave distinct assurances at the time of their election that they would advocate the settlement of the question without delay in accordance with the known wishes of their constituents. Should any of them be unwilling, from any considerations, to represent the real wishes of their constituents on this question, they are bound in honour and in justice to resign their places into the hands of their constituents.

On the 8th of last November, a meeting of several Wesleyan Ministers took place in this City, at which this subject was taken into most serious consideration. The result of the deliberations of that meeting was shown you a short time afterwards. Last winter every thing in our power was done by my brethren and myself to obtain an adjustment of the question. In addition to other efforts, I addressed a letter publicly to the Speaker of the Assembly, imploring the immediate settlement of it, as best for the Government, for the Church of England itself, and for the peace and welfare of the country, and deprecating the question being left an open subject for renewed agitation. I therefore disclaim all responsibility in relation to the present discussion or any consequences that may arise out of it. I have done all in my power to prevent it. In my printed letter to the Speaker of the Assembly last winter, I stated the inevitable consequences of postponement. We expressed a readiness to make very considerable concessions and sacrifices of feeling in order to effect the adjustment of the question,—

concessions that are not likely to be made again. Upon the heads, therefore, of others be the responsibility of this protracted controversy.

Having now briefly sketched the rise, progress, and present state of the agitation of this vitally important question, I beg, in concluding the historical part of the argument, to remind you of the leading facts which have been established in this and the two preceding letters.

1. That not even the controul of any portion of the Clergy Reserves was placed in the hands of the Episcopal Clergy for *twenty-eight* years after the passing of our constitutional Act; that that controul was not given to them by the consent of the Legislature of this Province, or with its knowledge, but by a Royal Charter secretly obtained in 1819, through the efforts of a minister of the Crown, notorious for the bigotry, partiality, and injustice of his colonial administration in matters of this kind; while at the same time the constitutional Act contained an express provision for legislating upon every thing that appertains to the Province for the support of "a Protestant Clergy," by the *Provincial Legislature*.

2. That the *proceeds* of the Reserves never have been placed in the hands or at the disposal of the Episcopal Clergy—their pretensions to long possession being a mere fiction.

3. That the doubts as to the legal right of the Episcopal Clergy to the exclusive benefit of the Clergy Reserve provision originated with a high church minister of George the IV in 1819, and so questionable did their pretensions appear that he felt it necessary to apply for legal advice.

4. That the exclusive pretensions of the Episcopal Clergy were publicly disputed in this Province as soon as they were publicly known.

5. That the moment it was known in this Province that an Imperial Act had been passed to sell a portion of the Reserve Lands, the Provincial Assembly prayed the King to apply the proceeds of those sales to the equal benefit

of all protestant denominations, insisting that such was the intention of the constitutional Act.

6. That the inhabitants of this Province have ANNUALLY, through their representatives, besides frequent petitions, for a period of FOURTEEN YEARS, protested against the endowment of one or more Churches in the Province.

7. That, with very little variation, the representatives of the Canadian people, during the successive Parliaments for fourteen years, have almost unanimously insisted upon the appropriation of the proceeds of the Clergy Reserves to purposes of General Education—leaving the Established Churches of the Empire to look to the Parliament of the Empire for any support they might desire not granted to their brethren of other christian denominations.

8. That in this important object the majority of the members of the Churches of England and Scotland, in every succeeding Parliament, have concurred, until the present Parliament.

9. That this protracted controversy has originated and has been embittered and perpetuated by successive attacks of the Episcopal Clergy upon the character, as well as aggressions upon the rights, of other Christian denominations—especially the Methodists and their Ministers, who have been formally and gratuitously attacked, 1st, by the Episcopal Bishop and Clergy in a memorial to the King in 1823; 2ndly, by the Archdeacon of York in 1825, in a printed sermon, published principally for circulation amongst the members of the Imperial Government and Parliament; 3rdly, by the same dignitary in his correspondence with the Home Government in 1827, as agent of the Episcopal Church; 4thly, in a memorial of the Bishop and Episcopal Clergy to the King in 1831: besides less official attacks in publications confessedly under Episcopal patronage and control in these matters, and independent of late attacks in "*The Church*," which have given so sharp an edge to present discussions in the newspapers. Sir, the cause of surprise is not that my brethren and myself feel so strongly on this subject, but that we do not feel more strongly.

10. That the Government of Upper Canada has been administered for *fourteen years* in utter contempt of the wishes of the inhabitants, constitutionally, continuously, and almost unanimously expressed through their Representatives and otherwise, on a subject which concerns their highest and best interests, and which, as the history of Great Britain amply shows, has always more deeply interested British subjects than any other. Sir, on the unspeakably important subjects of *religion* and *education*, our constitutional right of legislation has, by the arbitrary exercise and influence of Executive power, been made a mockery, and our constitutional liberties a deception; and it is to the influence over the public mind of the high religious feelings and principles of those classes of the population who have been so shamefully calumniated by the Episcopal Clergy and their party scribes, that the inhabitants of Upper Canada are not doing in 1838 what Englishmen did do in 1688, when their feelings were outraged, their constitutional liberties infringed, and the privileges of Parliament trampled upon, in order to force upon the nation a system of religious domination which the great majority of the people did not desire.

Sir, whatever may be the speculations of the philosopher, or the theories of the divine, or the dogmas and pretensions of ecclesiastics, on the general question of a Church Establishment paid by the State in a country, I submit to you that that is not the primary question for the *Statesman* in respect to this Province; I submit, Sir, that the first question for you and every other Legislator to consider is, whether you will violate the essential principles of free Constitutional Government in order to erect and endow an ecclesiastical hierarchy in the Province, embracing one or half a dozen different forms of religious faith? For that the voice of the Province is against such an endowment, is as clear as day. If you doubt it, appeal to the country by a dissolution of Parliament. It is a more important subject to Upper Canada than Parliamentary Reform was to Great Britain, on which an appeal was made by all parties to the British Nation. If you undertake to legislate on this subject

in disregard of what may fairly be termed *Public Opinion*, I venture to predict that you will soon have as many petitions, and as many names to them, on the Council table for a dissolution of the present Parliament, as there were in 1836 for the dissolution of the last Parliament, and the country will have as strong a claim to the privilege of recording its "*verdict*" in 1839, as it had in 1836. Such a process would indeed be a small price for so great a boon as political justice to all classes, tranquillity and contentment to the Province, and proper facilities for the instruction of the rising generation ; but, I fondly hope, that, guided by the experience of the past, and governed by a regard to those cardinal principles of civil polity which form the basis of our Constitutional Government, you and others who occupy so responsible places in the administration of our affairs, will anticipate any such result, by an equitable, statesmanlike, and popular adjustment of the question.

I have the honor to be, &c. &c. &c.

September 29, 1838.

No. VI.

October 12, 1838.

SIR :

Having given a brief history of the origin, progress, and present state of the Clergy Reserve and Dominant Church controversy, and enumerated the conclusions which that history authorizes, I now proceed to state the grounds on which we complain of injustice and the robbery of our rights by the monopoly of the Reserves by the Episcopal Clergy and their pretensions to be "THE Established Church of Upper Canada."

There are two senses in which the terms *Church Establishment* are used. In one, it signifies merely the legal *recognition* and *protection* of a Church in the free exercise and enjoyment of its religious faith and worship, and the means necessary to that end. In the other, and more usual sense, it signifies an *incorporation of a Church with the State*, and the establishment of it as the *State* religion of the kingdom or Province in which it is established. In the latter signification, for example, the Roman Catholic Church is *the* established religion of Rome ; in the former, it is *an* established religion of the two Canadas ; for, in the Statutes 14th and 31st Geo. III., constituting the Provinces of Upper and Lower Canada, Her Majesty's subjects professing the religion of the Church of Rome in these Provinces are secured in the exercise and enjoyment of their religion, and their Clergy in their accustomed dues and rights, *with respect to the professors of that religion*.

So, also, the Protestant Episcopal Church is *the* established *State* religion of England and Ireland ; but in Upper and Lower Canada, it is, I maintain, like the Roman Catholic Church, *an* established religion, *in respect to those who profess it*, being recognized and secured in the possession and enjoyment of certain rights specified in the Statute 31st Geo. III. ch. 31.

This distinction is admitted and very clearly stated by the Archdeacon of York, in a pamphlet published by him while he was in England as Agent of the Episcopal Clergy in 1827. He says—"The Roman Catholic religion is fully established, in

as far as it respects persons of that persuasion, not in Lower Canada only, but also in Upper Canada; for the 14th Geo. III. respects the Province of Quebec, which at that time embraced both Canadas: and so complete is this *establishment* of the Romish Church, that it cannot be touched directly or indirectly by the Colonial Legislatures. In sections 35, 36, 37, 38, 39, and 40, of the 31st Geo. III. cap. 31, provision is made for the support of a Protestant Clergy; but this provision is liable, under certain restrictions and limitations, pointed out in section 42, to be altered by the Provincial Legislatures. From this it appears that the state of the two Churches is *very different*. The Provincial Legislatures have nothing to do, either directly or indirectly, with the Romish Church; but the *same Legislatures* may VARY, REPEAL, or MODIFY the 31st George III. cap. 31, AS FAR AS IT RESPECTS THE CHURCH OF ENGLAND."—(*Dr. Strachan's Observations on the Clergy Reserves, pages 32, 33.*)

In this sense I admit that the Church of England is established in this Province, in respect to those who profess it, but not as a *Provincial Church*, or in respect to other denominations of Christians; and the above admission of the Archdeacon of York that the Canadian Legislatures "may vary, or repeal, or modify the 31st Geo. III. ch. 31, as far as respects the Church of England," flatly contradicts the doctrines of "The Church" and his coadjutors now a-days, that the Provincial Legislatures have no authority to legislate on the Reserves, or on any thing that concerns the Church of England in the Canadas!

In the same sense the Church of Scotland, and the Lutheran and Calvinistic Churches, in this Province, are *established*, being recognized and secured in certain rights, in and by a Marriage Act, passed in 1798; as are, also, the Methodists, Congregationalists, Baptists, &c., in and by the Act for the relief of Religious Societies, passed in 1828, and, more recently, in and by the Marriage Act, which received the Royal Assent in 1831. The advantages secured to these respective churches may, in some particulars, differ; but the religion of each of them is recognized and *established* by law.

Even in England, in the case of *Kemp vs. Wickes*, tried in the Arches Court of Canterbury, Dec. 11, 1809, it was decid-

ed by the learned Judge of that Court, Sir John Nicoll, (whose death has been recently announced in the papers,) that dissenting ministers, of all denominations of *Dissenters*, regularly ordained, according to the forms of their respective churches, are recognized, allowed, and *established*, by the Act of Toleration, although dissenters there were, until 1828, subject to civil disabilities and disqualifications, by the execrable Corporation and Test Acts.

In this sense, but without any such disabilities, and with more liberal privileges and immunities, the Church of England is admitted to be *an* established religion in Upper Canada; but I contend that it is not established by any law as the *State Religion* of this Province, or in respect to any other religious denomination than its own members. In this view I am supported by large majorities of the representatives of the people of this province in four successive Parliaments, as well as by the facts of British Colonial history, as I will presently show. I therefore fully concur in the protest of the Moderator of the Scotch Synod to Lord Durham, against the title assumed by the Episcopal Clergy as "the Clergy of *the* established Church of Upper Canada."

It has been argued on the part of the Episcopal Clergy that the Church of England is the established Church of Upper Canada, because it is the established Church of the *Empire*, and not of Great Britain and Ireland only; and in support of this position two most important statutes are appealed to. The first statute is 1st Elizabeth, cap. 1st; the second is the 5th Anne, cap. 8, called the Act of Union between England and Scotland. The argument from the 1st of these statutes stands thus: Previous to the Revolution the Pope was the absolute Sovereign of the Church in the British Empire. After the Reformation, the King or Queen of England was invested with the same sovereignty *on earth*, over the Church of England, throughout his or her dominions, that the Roman pontiff had heretofore possessed. Therefore the Church of England is the established Church throughout the British "realm." I admit the argument, but deny its application to the then future colonies. The statute 1st Elizabeth, cap. 1, passed in 1559, on which so much stress has been laid, repealed the statute of Philip and Mary, which had adopted the Roman Catholic reli.

gion, and subjected England to the ecclesiastical jurisdiction of the Pope. It restored the Protestant religion, and the authority of the Queen, instead of the Pope, as the supreme earthly head of the Church, and excluded all foreign ecclesiastical power over England, Ireland, or any of Her Majesty's dominions. That was the substance of the statute. The statute 5th Anne, cap. 8, passed in 1706, nearly 150 years after the accession of Elizabeth, provided for the respective rights of the churches of England and Scotland, and secured to the "subjects of the United Kingdom of Great Britain" "a communication of all other rights, privileges and advantages, which do or may belong to the subjects of either Kingdom, except where it is otherwise expressly agreed in these articles." But I submit, that neither of those statutes had any effect, in practice or in theory, to *establish either the Church of England or the Church of Scotland*, or both, in the subsequently chartered colonies and provinces. If so, would not the prerogatives, and support, and advantages of the ecclesiastical establishment of Great Britain have been claimed by the British Government, and the Episcopal and Presbyterian Clergy, in the old British colonies, now the United States? Yet such a construction of the statute 1st Elizabeth, c. 1st, or of the Act of Union between England and Scotland, 5th Anne, c. 8, was never (as far as I can learn) admitted or claimed in those Colonies, or in England, during more than *one hundred and fifty years* of their continuance under British government. I challenge the party of "The Church" to adduce a single example, or fact, in proof that the Church of England was ever claimed or regarded by any competent authority as the established Church of any British colony, merely by virtue of its being the established Church of England and Ireland, or of the King or Queen being the supreme earthly head of it. I assert, without fear of successful contradiction, that wherever the Church of England has existed or does exist in any of the variously modified forms of an ecclesiastical establishment in any British colony, *it is not by the authority of either of the Acts above referred to*, but by the special authority of a ROYAL CHARTER, or by AN ACT OR ACTS OF THE IMPERIAL PARLIAMENT, or by the LEGISLATIVE ACT OR ACTS of the COLONY.

In none of the old Charters of the American Colonies is the

Church of England *established or even recognized*, as far as I have been able to ascertain. The first Virginia Charter, granted by James I. in 1606, is the oldest. The enterprise of planting the country is commended as "a noble work, which may, by the providence of Almighty God, hereafter tend to the glory of his Divine Majesty, in propagating the Christian religion to such people as yet live in darkness and miserable ignorance of the true knowledge and worship of God." In the second (amended) Virginia Charter, granted in 1609, it is said, "It shall be necessary for all such as shall inhabit within the precincts of Virginia, to determine to live together in the fear and true worship of Almighty God, Christian peace, and civil quietness: . . . and that the principal effect which we can desire or expect of this action [granting this charter] is the conversion and reduction of those parts unto the true worship of God and the Christian religion." In the Charter of Massachusetts Bay, granted by Charles I. in 1644, the Colonists are exhorted by "their good life and orderly conversation to win and invite the natives of that country to the knowledge and obedience of the only true God and Saviour of mankind, and the Christian faith, which, in our royal intention and the adventurers' free profession, is the principal end of this plantation." The Charters of Pennsylvania, Rhode Island, and Connecticut, granted by Charles II. 1681-5, and nearly all the Colonial Charters, contain the same declarations, with considerable variations in phraseology. Here is the recognition of the Christian religion as the foundation of their civil polity and social compact, but no mention made of any one established or endowed sect or particular form of faith. It is known that *Congregationalism* became the established religion of the New England Colonies; and that in some of them no Episcopalian, indeed none but a member of the Congregational Church, as certified under the hand of the Minister, could exercise the privileges of a citizen. The Episcopal Church was established in Virginia and North Carolina, with parishes and *rectors*; but that was done by the act of the local Legislature and Government of the Colony at an early period, the same as *Independency* was established in the New England Colonies. There were subsequently Scotch settlements in New Hampshire, New York, New Jersey, Pennsylvania, and North Carolina; but in none of the Colonies,

from Maine to Florida, do we hear of the "status" or "coordinate rights" of either the Church of England or Church of Scotland, under the 1st of Elizabeth, or the 5th of Anne, or any other Imperial Act or Charter.

We have a *practical* illustration of the correctness of this view of the subject from the early history of the Episcopal Church in those old colonies. In 1698 a select number of private gentlemen associated and formed themselves into a *Society for the propagation of the Gospel in Foreign Parts*; by which title they were incorporated in 1701, 13th William III, by letters patent under the King's privy seal; and, by virtue of the authority and 'privileges granted in *this patent*, the first missionaries from the established Church of England were sent to the old British colonies of North America. The principal persons incorporated under this charter were the Archbishops of Canterbury and York, several of the bishops, many of the dignified clergy, the Lords in administration, the judges, a considerable number of baronets and private gentlemen; in all ninety-five individuals. And as forming one body politic and corporate in deed and in name, viz: "*The Society for the propagation of the Gospel in Foreign Parts*," they were empowered to purchase £2,000 per annum inheritance, and estates for lives, and goods and chattels without limitation; to grant leases for the term of thirty-one years without fine; and by the aforesaid title to plead and be impleaded. They and their successors were to have a common seal, &c., to appoint officers, to depute persons at any meeting of the society, to take subscriptions, and to collect such moneys as should be by any person or persons contributed for the purposes of the society. Sanctioned by the Royal favour and patronage, and by the Lords of the administration, and the heads of the Church, the Society met with uncommon success in its subscriptions, donations, and legacies. For many years it has received annual grants from Parliament in aid of its funds. It has received a Parliamentary grant this year of upwards of *fifty thousand dollars*, to support the Episcopal Clergy in the North American Provinces.

It was with this society, and not with the Act of Supremacy, or of the Union of England and Scotland, that the Episcopal establishments in the British colonies originated. The Episcopal clergy in this Province are in the employment of that

society. I have therefore been the more particular in stating its origin and formation.

To show in what light the British government, (even in an age of comparative despotism and extravagant clerical pretensions) regarded the application of the ecclesiastical laws of England to the colonies at the commencement of its measures to provide for their religious instruction, I will recite the *preamble* and first article of the Royal Charter for the incorporation of *The Society for the Propagation of the Gospel in Foreign Parts* :—

“Whereas we are credibly informed that in many of our plantations, colonies, and factories, beyond the seas, belonging to our kingdom of England, the provision for ministers is very mean, and many others of our said plantations, colonies, and factories, are wholly destitute and unprovided of a maintenance for ministers and the public worship of God; and for lack of support and maintenance for such, many of our beloved subjects do want the administration of God’s word and sacraments, and seem to be abandoned to atheism and infidelity; and also for want of learned and orthodox ministers to instruct our said loving subjects in the principles of true religion, divers Romish priests and jesuits are the more encouraged to pervert and draw over our said loving subjects to popish superstition and idolatry, &c. Therefore His Majesty, considering it his duty to promote the glory of God, by the instruction of his people in the christian religion, ordains certain provisions to be made for the sufficient maintenance of orthodox clergy, to reside in such colonies, and for the propagation of the gospel in those parts. And for the accomplishing these ends, the King engages for himself; his heirs and successors, to erect, settle, and permanently establish a corporation, authorised to receive, manage, and dispose of the charity of his loving subjects, as divers persons would be thereby induced to extend their charity to the uses and purposes aforesaid.” *

* It appears that one of the original objects of this Society was to prevent “divers Romish priests and Jesuits” from drawing over His Majesty’s “loving subjects to Popish superstition and idolatry,” &c. Strange, therefore, would it have appeared to the founders of that Society that one of its own principal Missionaries should recommend Royal grants to “Romish priests and Jesuits” for the support of “popish superstition and idolatry.” Yet does the Archdeacon of York say in his speech before the Legislative Council in 1828, as well as in a late series of letters addressed by him to the Hon. William Morris, that he had recommended His late Majesty’s Government to make grants out of the Crown Revenue to the Roman Catholic priesthood. In pursuance of that recommendation, upwards of *forty thousand dollars* have been granted for the support of “popish superstition and idolatry,” in order to obtain to the Episcopal Clergy the aid of “Romish priests and Jesuits” to suppress Methodists, Presbyterians, and Baptists. And then, on the other hand, in order to play into the hands of the high church dignitaries and House of Lords in England, against Her Majesty’s Government at home and against equitable government in Canada, Mr. Bettridge goes to England and complains that Government are supporting Popery in Canada, and insists that more aid must be given to the Established Church in order to counteract it ! ! !

Now in the above preamble of the charter by which the Clergy of the Church of England in this, as well as in the other British provinces, are employed, let it be noted, 1. That there was no *legal* provision for the support of religion in the colonies, many of them being "*wholly destitute and unprovided of a maintenance for ministers and the public worship of God.*" This could not have been the case had the Church of England been regarded as *the established* religion of the colonies by virtue of the statute 1st of Elizabeth, as contended by *The Church* and his party; for the clergy would have been entitled to the tithes and other dues in the old colonies as well as in England. 2. That the Episcopal Clergy who went out to the old British colonies, (as well as those now employed in the Canadas,) had no legal prerogatives as the established Clergy of the colonies, but were simply missionaries of a Society supported by CHARITY;—a Society too, which though incorporated by Royal Charter, and patronized by the dignitaries of the Church, formed no part of even the ecclesiastical establishment of England itself. 3. Therefore there was no ecclesiastical establishment in the old British colonies by virtue of the ecclesiastical or civil laws of England, or in consequence of the King being the head of the Church. If not in those colonies, then not in this province.

I have been the more particular in this part of the argument in order to set at rest the groundless, though oft-repeated dogma, that the Church of England is *the Established Church* of the Colonies because she is the *Established Church* of the Parent State. I would not derogate an iota from the respect claimed by the Church of England on account of the prerogatives to which she is legally entitled. As the form of religion professed by the Sovereign and rulers of the Empire—as the established Church of the British realm—as the Church which has nursed some of the greatest statesmen, philosophers, and divines that have enlightened, adorned, and blest the world, she cannot fail as a Church to command the respect of all enlightened men, whatever may be thought of the conduct and pretensions of the Canadian branch of that Church,—pretensions which have been virtually repudiated in Royal Charters, and contradicted by the entire civil and ecclesiastical history of the old British Colonies.

The *Coronation oath* has been appealed to, times without number, as binding the Sovereign to maintain to the Episcopal Clergy the Reserves and all the privileges of the ecclesiastical establishment of England. In answer to this, I may remark, that His late Majesty George III. had scruples of conscience on the subject of assenting to an act for the emancipation of the Catholics, under an impression, which it is known Mr. Pitt could not remove, that it would affect the Established Church in a manner inconsistent with his coronation oath—Ireland being within the protection of that oath, as provided by the act of Union of England and Scotland. But His Majesty had no such conscientious objections against allowing the Catholics of Canada all the rights and privileges of his other Canadian subjects; which he accordingly did in the Quebec Act, passed in the 14th year of his reign, and in our Constitutional Act passed in the 31st year. He did not regard Canada as standing on the same ground with Ireland, in relation to the established religion guarded by his coronation oath: that is, he did not consider the Church of England to be *the* Established Church of Canada. His late Majesty William IV. expressly authorised, through Lord Goderich, the appropriation of the Clergy Reserves in this Province to educational purposes, and gave his Royal assent to a bill passed by the Legislature of Prince Edward Island to appropriate the Clergy lands in that Province to the purposes of education. I hope, therefore, we shall hear no more about the coronation oath in connexion with the Clergy Reserve Question.

I now approach the Clergy Reserve Question, and enter into a particular examination of those acts of Parliament under the authority of which the Episcopal Clergy found their exclusive claims to the *Reserves*; namely the 14th Geo. III. cap. 83, and 31st Geo. III. cap. 31.

The 14th Geo. 3rd secured His Majesty's Canadian subjects professing the Roman Catholic faith, in the free exercise of their religion, and their Clergy in the enjoyment of their accustomed dues and rights, with respect to such persons as profess that religion; with an explanatory proviso, that His Majesty might make provision out of the rest of the accustomed dues and rights "for the encouragement of *the Protestant religion*, and for the maintenance and support of a *Protestant*

Clergy." This provision was not for the encouragement of the Church of England, or of the Church of Scotland, or of any *one class* of Protestants, but in general terms, "*of the Protestant religion*"—embracing of course all recognized classes of Protestants; not for the maintenance of the Clergy of the Church of England, or of any Protestant Church in particular, but "*of a Protestant Clergy*" generally. The object of the contemplated provision, and the words used to express it, extend to all Protestant inhabitants of the Province and to their Clergy as contradistinguished from the Catholic inhabitants, of whatever particular church or denomination of PROTESTANTS they might be; the statute thus making provision for the *two* classes, into which the whole population was divided, without any further distinction, and *with no exception*.

This preliminary declaration was referred to and confirmed in the 34th section of the 31st Geo. 3rd; and in the 36th section, His Majesty was authorised to reserve land equal to one-seventh part of the lands granted, or to be granted, in each of the Canadas, "for the support and maintenance of a *Protestant Clergy* within the same." In this clause, therefore, *authorising the reservation itself*, there is nothing to limit the benefit of it to the Clergy of the Church of England, or of any Protestant Church in particular.

The 37th section *appropriates* the income of the Reserves in these words: "That all and every the rents, profits, or emoluments which may at any time rise from such lands so allotted and appropriated, as aforesaid, shall be applicable solely to the maintenance and support of a Protestant Clergy, within the Province in which the same shall be situated, and to no other use or purpose whatsoever." As in the reservation of the land, so here in the appropriation of its income or proceeds, there is no limitation of it to the exclusive benefit of any Protestant Church in preference to others. It was appropriated generally for the maintenance and support of "a Protestant Clergy," with a view to the "encouragement of the Protestant religion." The adjective "*Protestant*," and the noun "*Clergy*," are unquestionably as applicable to other denominations of Protestants, as to the Church of England.

It has, indeed, been pretended that the word *clergy*, in the English use of it, is confined to the established Church. This

is unfounded. The term *clergyman* is indeed generally applied to a minister of the established Church, and seldom to a minister of a dissenting Church; and for this obvious reason, that the term minister is generally preferred by dissenters, as the term *preacher* has been generally preferred amongst the Methodists. But who does not know that when they are spoken of *collectively*, or as *classes*, the phrase "*dissenting Clergy*" is just as common as the phrase "*established Clergy*," by the best English authors, in histories, miscellaneous books, and periodicals? By the law of England, all the subjects of the realm are divided into *two* classes,—the *clergy* and *laity*; the clergy comprehending all persons in holy orders, and the laity comprehending all others. [Blackstone's Commentaries I. 376.] All official grades or descriptions of persons "in holy orders," are, I submit, clergymen in the technical as well as popular sense of that comprehensive term. In the canons of the Church of England, a clergyman is designated by the general term "*minister*"—minister and clergyman being used as synonymous terms, meaning a person "in holy orders," in any form of orders recognized by the laws of England. I have heretofore shown that it has been so decided by the Arches Court of Canterbury, that dissenting clergymen, ordained according to the forms of their respective denominations, are *lawful ministers*, as really and truly such as are the ministers of the Church of England, episcopally ordained. They are comprehended in Blackstone's legal definition of the term *clergy*; and are fairly, strictly, and legally, within the general terms "A Protestant Clergy," used in 31st Geo. 3rd. And I will hereafter show, by indubitable testimony, that the framers of that Act intended those terms, "A Protestant Clergy," to be understood and interpreted in that comprehensive sense.

The Act itself expressly recognizes the existence, in Upper Canada, of other protestant clergymen than those of the Church of England. In the 21st section, which disqualifies for a seat in the House of Assembly, any person "who shall be a *minister* of the Church of England, or a *minister, priest, ecclesiastic, or teacher*, either according to the rites of the Church of Rome, or under *any other form or mode of worship*"—these are persons "*in holy orders*," and are deprived, on that account, of certain privileges secured to the *laity*.

Thus the same Act that *provided* and *appropriated* the clergy lands, has, in express terms, admitted and considered, that there are in this province, besides Catholic Clergymen, other *Ministers, Priests, Ecclesiastics, and Teachers*, than Ministers of the Church of England. Here is an explicit recognition of other Protestant Clergymen than those of the Church of England. The appropriation of the Reserves for the support and maintenance of "a Protestant Clergy," excludes, indeed, the *Catholic Clergy*, by the restrictive term "*Protestant*;" but as to *Protestant Clergymen*, there is no exclusion or preference. They are all *equally* "*Protestant*," and *equally* "*Ministers*" or "*Clergymen*," recognized as such by the general law of England, and by this particular Act.

In subsequent sections of the Act, his Majesty is empowered to authorise the Governor to erect, in every township, one or more Parsonage or Rectory, Parsonages or Rectories, according to the Church of England, and to endow the same with *so much* or such a *part* of the lands reserved for that township, as he shall, with the advice of the Executive Council, judge to be expedient under the then existing circumstances of such township or parish, and to present to such parsonage or rectory an incumbent or minister of the Church of England, duly ordained according to the rites of that Church. The endowment thus authorised to be *carved out* of the reserved lands, at the *discretion* of the Governor,—presuming that he, with the Executive Council, *would always act equitably and impartially*, and according to the exigencies of the country,—may be appropriated to the incumbents or ministers of the Church of England. To this extent, but no further, are clergymen of the Church of England distinguished from clergymen of other denominations of Protestants, in regard to the lands reserved and appropriated for the support and maintenance of "a Protestant Clergy" and the "encouragement of the Protestant religion."

I beg that the *variance* in the *form of expression* between the above quoted sections of the Act, *reserving* the lands and *appropriating* their *income*, and the subsequent distinct sections authorising a *part* only of those lands in any township to be taken for the endowment of parsonages or rectories, may be carefully noted. It is very striking and significant. In the former the phrase employed is "a Protestant Clergy"—in the

latter, it is “*a minister of the Church of England,*” and not “*a Protestant Clergyman.*” In the former sections, there is no limitation to, or even mention of, the Church of England;—in the latter sections,—the endowments expressed to be *part* only of the whole reserves, are expressly limited and appropriated to the Church of England. This difference in the phraseology furnishes a fair and unquestionably just rule of interpretation. Had it been intended that the whole benefit of the Clergy Reserves should be confined to the Clergy of the Church of England, the *reservation* and *appropriation* would have been expressed to be for the Clergy of that Church in terms as distinct and qualified as those which are used in the sections authorising the endowment of rectories or parsonages with a *part* of the reserves; such terms, for example, as the *Clergy of the Church of England*, or a *Protestant Episcopal*, or in some other words limiting it to the clergy of the Church of England, and not in the general terms, “*a Protestant Clergy,*” comprehending clergymen of all Protestant Churches, and *equally entitling them to the benefit of it.*

Such, Sir, is my understanding and interpretation of the law of this Province in respect to the Clergy land provision; and such was the sense in which the Act 31st Geo. 3rd was understood by leading members of the British Parliament that passed it. In the debate upon the Bill, Mr. Fox said expressly,—“By the Protestant Clergy he supposed to be understood *not only the Clergy of the Church of England, but all descriptions of Protestants.*” And again,—“*The greatest part of these Protestant Clergy were not of the Church of England: they were chiefly what are called Protestant Dissenters in this country.*” * Mr. Fox well understood the meaning of language—he knew what the phrase, “*a Protestant Clergy*” obviously and legitimately meant, and gave it the natural interpretation. Had he been mistaken, Mr. Pitt would have undoubtedly corrected his error; but Mr. Pitt’s silence, and that of other leading members, was, as known by any one who has listened to the debates in the Imperial Parliament,

* Passages from one of Mr. Pitt’s speeches have been quoted by the advocates of the exclusive claims of the Episcopal Clergy; but those passages are wrested from their proper connexion and true meaning. Any person who reads Mr. Pitt’s speech will perceive that he is not speaking of the *provisional* clauses of the bill, but of those sections which relate to the endowment of rectories or parsonages.

the tacit concurrence of the House in Mr. Fox's understanding of the phrase.

But in addition to the understanding of Mr. Fox, and the inference which naturally flows from his speech, I have indubitable testimony that such was the intention of the framer of the Act—Lord Grenville.* My authorities are high church conservatives of the Pitt and Wellington school. The venerable EARL OF HARROWBY made the following statement in the House of Lords on the 26th June, 1828 :

“He (the Earl of Harrowby) would not have said a word upon the subject of the petition presented by the noble lord (Haddington), had not a reference been made to the opinion of Lord Grenville; but as such reference had been made, he felt himself called upon to state, that he had repeated conversations with that noble lord (Grenville) upon the subject, and he (Lord Grenville) had not only expressed his opinion so, but had requested him (the Earl of Harrowby) if any opportunity should offer, to state that both his own and Mr. Pitt's decision was, that the provisions of the 31 Geo. 3 were *not intended for the exclusive support of the Church of England*, but for the *maintenance of the clergy generally of the Protestant Church.*”

My next authority is the evidence of Lord Viscount Sandon, (son of the Earl of Harrowby) before the committee of the House of Commons on the civil government of Canada, in 1828. On the 4th of May, 1827, when the Bill for the sale of part of the Clergy Reserves was under the consideration of the House of Commons, Lord Sandon, with many others, spoke on the subject of the Church Establishment in Canada, and stated Lord Grenville's intention in relation to it when he drew up the 31st Geo. 3rd, cap. 31., Dr. Strachan was at that time in London ; and, in his printed speech before the Legislative Council, 6th March, 1828, says, that he found that Lord Sandon's speech had made a great impression upon the House of Commons, and adds—“As what Lord Sandon had stated was of *great importance* to the future *decision of the question*, I called upon that nobleman, and found that what he had said was very different from what had been reported,” &c.

* I have somewhere heard it denied that Lord Grenville was the framer of the Act 31st Geo. 3rd, c. 31. That is of but little consequence, as Lord Grenville and Mr. Pitt conducted the bill through Parliament. But in addition to current report and general belief, Lord Brougham said a few months since in his place in the House of Lords that, “he happened to know that Lord Grenville was the framer of that Act.” Dr. Strachan states the same in his printed speech before the Legislative Council, March, 1828,—p. 13.

&c. (p. 14.) Lord Sandon's testimony is here appealed to by the Archdeacon of York as of "great importance to the future decision of the question." Let us now see what that testimony is, as given by the noble Lord himself in consequence of this very speech of the Archdeacon :--

"Lord Viscount *Sandon*, a Member of the Committee, examined.

Do you recollect having a conversation with Archdeacon Strachan upon the subject of the church reserves in Canada?—I remember two or three conversations which passed, principally, I believe, in the committee-room of the Emigration Committee; I do not remember distinctly any one.

The Committee observes, in a speech made by Archdeacon Strachan, on the 6th of March, 1828, in the Legislative Council of Upper Canada, that Archdeacon Strachan says, that he called upon your Lordship, in consequence of the debate which took place in the month of May last year in the House of Commons, with a view of ascertaining from you exactly what you had asserted to have been Lord Grenville's statement upon that subject; and Archdeacon Strachan proceeds to say, that he called upon your Lordship, and that you stated that Lord Grenville had stated that the Scotch Presbyterians were not intentionally excluded; and, provided that provision should be found more than sufficient for the established church, he saw no objection to giving them aid. Is that a correct representation of what you said to Dr. Strachan?—That certainly is not a correct representation of what passed between us. It is difficult at this time to recollect distinctly what I said to him. All I can say is, that I could not say what he represents me to have said; for it is not now, nor ever was, my understanding of what Lord Grenville said to me.

Have you at this moment a distinct recollection of what Lord Grenville said to you?—I remember that he stated to me that the scheme upon which he built the system that was intended to be incorporated in the Canada Act of 1791, was a good deal derived from information they had collected from an officer that had been much in Pennsylvania, of the system with regard to lands appropriated to religion and education in that State; I understood him to say, that the distinction of a Protestant clergy, which is frequently repeated in the Act of 1791, was meant to provide for *any clergy* that was not Roman Catholic, at the same time leaving it to the Governor and the Executive Council of the province to provide in future how that should be distributed."—(*Report, &c.*, p. 181.)

Before any impartial jury the above evidence would decide the question; but the party of "The Church" have latterly changed their tone. Even the Archdeacon of York, in his Address to the Clergy, on the 13th of September, 1837, says, he will not "admit the opinion of individuals however high in the *legal profession* or *official rank*, to dispose of our vested

rights." Such declarations remind me of the debate before a convocation of Clergy, at which *Bonner* presided, when certain points between the Catholics and Protestant Reformers were to be discussed by the appointment of the Queen (bloody Mary). The debate was closed by the prolocutor, who, addressing the Reformers, said—"You have the word, BUT WE HAVE THE SWORD."

However, as it is not to the Archdeacon of York or his party that I appeal, the above testimony will, I trust, have its due weight. I am also sustained in the same view by the Committee of the House of Commons. They say—

"The question has been raised, whether the clergy of every denomination of Christians, except Roman Catholics, may not be included. It is not for your committee to express an opinion on the accuracy which the words of the act legally convey. They entertain no doubt, however, that the intention of those Persons who brought forward the measure in Parliament was to endow with parsonage houses and glebe lands the clergy of the Church of England, at the discretion of the local Government; but *with respect to the distribution of the proceeds of the reserved lands generally, they are of opinion that they sought to reserve to the Government the right to apply the money, if they so thought fit, to any Protestant Clergy.*"

Lord STANLEY,—the idol of the high church party, will also be admitted to be an unexceptionable authority on this subject. In his speech before the House of Commons, on the 2nd May, 1828, he said, (I quote from the *Mirror of Parliament* the report corrected by his own hand)—

"That if any exclusive privileges be given to the Church of England, *not only will the measure be repugnant to every principle of sound legislation, but contrary to the spirit and intention of the Act of 1791, under which the reserves were made for the Protestant Clergy.* I will not enter further into it at present, except to express my hope, *that the House will guard Canada against the evils which religious dissensions have already produced in this country and in Ireland, where we have examples to teach us what to shun.* We have seen the evil consequences of this system at home. God forbid we should not profit by experience; and more especially in legislating for a people bordering on a country where religious intolerance and religious exclusions are unknown—a country to which Parliament looked in passing the Act of 1791, as all the great men who argued the question then expressly declared. It is important that His Majesty's Canadian subjects should not have occasion to look a cross the narrow boundary that separates them from the United States, and see any thing there to envy."

Sir GEORGE MURRAY—the Secretary of State for the Colonies under the Duke of Wellington's Government—will also be admitted as an unexceptionable authority. In a speech, in the House of Commons, July, 1832, on a motion for the Parliamentary grant to the Episcopal North American Clergy, Sir George Murray said :

“ This country is bound to provide religious instruction for the people in our colonies. At the same time he (Sir G. Murray) begged to say, *that so far from approving the maintenance of any exclusive system in the Colonies, he thought any such system there BAD AND DANGEROUS.* He was of opinion that the pastors of all religious persuasions in the colonies were EQUALLY ENTITLED to support, and he deprecated the establishment there of any one Church over all others.”

I need add no more. I could quote the opinions of whigs and liberal whigs almost without number ; but I have preferred appealing to the testimonies of the leaders of the high Church party.

In preceding letters, I have shown that not a farthing of the proceeds of the Clergy Reserves, nor the appropriation of an acre of them, was ever “ vested ” in the Clergy of the Church of England ; that, long before one acre of the Reserves was sold, the Representatives of the people of this Province protested to the Imperial Government against any appropriations to the exclusive benefit of the Episcopal Clergy ; and that therefore the “ vested rights ” of which Dr. Strachan and “ The Church ” declaim, are a fiction. I have now examined the law—the history of the old British Colonies—the statutes relative to the Clergy Reserves, the intentions of their framers, and the opinions of leading *tory* statesmen. I will conclude this part of the argument with two remarks.

1. Is it not sufficient not only to spread dissatisfaction among a peaceable population, but to make even a loyal people disaffected, to be denounced by the acknowledged leaders and organs of the dominant executive party, as “ radicals, republicans, and rebels,” for holding and maintaining opinions on the exclusive claims of the Episcopal Clergy and an established Church in Canada, such as are so strongly warranted by the law of the land and the avowed sentiments of the ablest statesmen in England ? Well, Sir, did the Right Hon. EDWARD ELLICE (uncle to Lord Durham, and father of his Lordship's

private Secretary,) say in his evidence before the Canada Committee of the House of Commons in 1828—"The great source of difficulty in the *Upper Province*, and the *foundation* of interminable dispute and serious difference, is the state of the Church lands, and *the idle pretensions of the leading Ministers of the Church of England, and the exclusive claims of that Church.*"

2. My second remark is, that it now appears that it is the Methodist and other Protestant denominations, and not the Church of England, who have the strongest reason to complain of *spoliation* and *robbery* in this question,—the very parties who have performed the noble work of religiously instructing the early inhabitants and new settlements of this Province when they most needed it—ay, when they were wholly neglected by the party who, in addition to the receipt of more than *five hundred and fifty thousand dollars* at various times from Parliament and other sources in England, are now clamouring for the one-seventh of this entire Province! But, Sir, there is such a power as *Public Opinion*, which no Government in this age *dare* resist, and in accordance with which an enlightened British Government has declared this question shall be settled. The Canada Committee of the British House of Commons have therefore justly laid it down, that, "Of the *principle* on which the proceeds from these lands *are hereafter to be applied*, and in deciding on the just and prudent application of these funds, the Government will necessarily be influenced by the state of the population as to religious opinions at the period when the decision is to be taken."

I have the honour to be, &c. &c. &c.

No. VII.

The Question of Re-investment.

January 26, 1839.

SIR:

I have given a brief history of the origin and progress of the Church and Clergy Reserve controversy; I have distinctly stated the various and strong expressions of Public Opinion, both in the Legislature and in other more popular forms, on the subject; I have carefully examined the several Imperial Statutes—and especially the Constitutional Act—which have been appealed to by Episcopal disputants; and have adduced the entire history of the old British Colonies, and the opinions of the ablest British statesmen, and even the express decision of His late Most Gracious Majesty William the Fourth, in illustration and confirmation of my entire argument.

Having thus viewed the subject as a matter of *history* and a question of *law*, I now advance to the investigation of it as a subject of PRACTICAL LEGISLATION. Happily, as I hope, no one will have the hardihood any longer to question the constitutional *right* of our Provincial Parliament to legislate at its discretion on this subject, any more than to deny its authority to enact laws for the improvement of schools and highways. The right of Parliament to legislate by either "*varying* or *repealing*" any provision for a general object, destroys every *rational* pretence to individual "vested rights" in that provision. The whole cry therefore of "vested rights" has been, and still is, but the clamour of interest and party, silenced in argument and repelled in equity. When our Imperial Constitutional Act expressly authorises the Provincial Legislature to "*vary* or *repeal*" certain of its clauses, for any party to raise the cry of "vested rights" against this express act of the Imperial Parliament, is the very climax of folly and arrogance, if not of disloyalty and impudence. To deny the constitutional authority of Parliament in England, has been viewed and treated by our British forefathers as a crime of no ordinary magnitude—as a blow of ecclesiastical selfishness and despot-

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ism at the very root of the chartered rights and liberties of Britons, and punished as HIGH TREASON against the Constitution of the land. I repudiate pains and penalties for opinions, or for the expression of them; but a right of free discussion does not sanctify a wanton invasion of any branch of our civil Constitution. By the established Constitution of England since 1688, (as well as by our Constitutional Act, 31st George the Third, ch. 31,) British subjects are as inviolably secured in their *rights* as the Crown is secured in its *prerogatives*; and to deny British subjects their parliamentary rights in order to promote the interests of a section or party, is as much disaffection to the established Constitution as to infringe the prerogatives of the Crown.* It is, however, gratifying to know, —and the express and full recognition of it is an additional ground of attachment to our gracious Sovereign—that the unrestricted right of our local Parliament to legislate on the Church question in this Province has been most explicitly and fully admitted and avowed from the beginning,—a fact this, which, in connexion with an explicit clause of our Constitutional Act, shows most clearly that the questions of ecclesiastical property in this Province and in the mother country are essentially different. *There*, property has not only been appropriated, but specifically *applied*, possessed, and enjoyed for ages; *here* the *application* of a certain provision is now, by the confession of all parties, a matter of pending inquiry. *There*, the *tenure* of the grant of property was *unconditional* and *per-*

* Referring to the Revolution of 1688, when King James the Second was deposed, and William and Mary were elected to the Throne, the "Bill of Rights" agreed upon, and the British Constitution placed upon its present basis, the noble Author of the History of Modern Europe observes,—“The Revolution forms a new era in the English Constitution. By deciding many important questions in favour of liberty, and yet more by the grand precedent of deposing one king and establishing another, with a new line of succession, it gave such an ascendant to popular principles, as has put the nature of our Government beyond all controversy. A King of England, or of Britain, to use the words of my Lord Bolingbroke, is now strictly and properly what a King should be; a member, but the supreme member or head of a political body; distinct from it, or independent of it, in none. He can no longer move in a different orbit from his people; and, like some superior planet, attract, repel, and direct their motions by his own. He and they are parts of the same system, intimately joined, and co-operating together; acting and acted upon, limiting and limited, controuling and controuled, by one another: and when he ceases to stand in this relation to them, he ceases to stand in any. The settlements, by virtue of which he governs, are plainly original contracts: his institution is plainly conditional; and he may forfeit his right to allegiance, as undeniably and effectually as the subject his right to protection.”

Dr. Adam CLARKE, in an elaborate note on the 13th chapter of Romans, 1st verse, corroborates what is here stated, not merely as a matter of fact in the history and principles of the British Constitution, but as a general doctrine.

petual, as much so as the prerogatives of the Crown itself; here, in the original constitutional tenure of the general indefinite provision for "a Protestant Clergy," it is subject to be "*varied or repealed*" by the Provincial Parliament. Hence says Lord Glenelg, in his able and elaborate Despatch to Sir Francis Head, 15th December, 1835,—“It is not difficult to perceive the reasons which induced Parliament in 1791 to connect with a reservation of land for ecclesiastical purposes the *special delegation* to the Council and Assembly of the *right* to vary that provision by any bill, which being reserved for the signification of His Majesty's pleasure, should be communicated to both Houses of Parliament for six weeks before that decision was pronounced. Remembering, it should seem, how *fertile a source of controversy ecclesiastical endowments* had supplied throughout a *large part of the Christian world*, and how *impossible* it was to tell with precision *what might be* the PRE-VAILING OPINIONS AND FEELINGS OF THE CANADIANS ON THIS SUBJECT AT A FUTURE PERIOD, Parliament at once secured the means of making a systematic provision for a Protestant Clergy, and took *full precaution* against the *eventual inaptitude* of that system to the more *advanced stages* of a society than in its *infant state*, and of which no human foresight could divine the *more mature and settled judgment.*” And even THE LONDON TIMES newspaper—an authority which the highest Churchman will hardly venture to question on this subject—referring to the recent unanimity with which all classes in Upper Canada had rallied to the defence of the Constitution and British supremacy against internal conspiracy and American brigand invasion, and the pending Church question, lays down the principles for which we have so earnestly contended, and forcibly points to the difference between an endowed ecclesiastical establishment in this Province and in Great Britain. “But it is our duty to add, (says THE TIMES,) that such men [inhabitants of Upper Canada,] *deserve* to have, and *must* have, a *mild, upright, liberal, and paternal* system of *local administration* to rely upon. The question of an established and ascendant Church is a very different one, when considered in relation to an old country, whose people were of one creed when the Church was originally established, and when revenues were assigned for its exclusive support;

since which period it has entwined itself with the whole edifice of the national institutions, and cannot now be subverted without involving them one and all in confusion. **BUT IT IS VERY DIFFERENT WHEN THE ENQUIRY RESPECTS A POPULATION SIMULTANEOUSLY CONGREGATING UPON A NEW COUNTRY, BUT CONSISTING FROM ITS VERY ORIGIN OF VARIOUS CREEDS."**

I now proceed to the three remaining topics of this discussion—the question of re-investment in the Crown—the application of the proceeds of the Reserves to one or more classes of Clergy—and the disposal of those proceeds to the purposes of general education upon Christian principles. My present letter shall be confined to the question of RE-INVESTMENT.

In as far as it regards yourself, Sir, I am sensible it is quite superfluous for me to say one word on this question, as we are already agreed in opinion respecting it. And had they been reported at the time of delivery, I should have little more to do on the present occasion, than to transcribe the forcible arguments you urged last winter against a re investment of the Clergy Reserves in the Imperial Government, as an unfair, unmanly, and unsatisfactory mode of attempting to settle the question. In accordance, therefore, with your own sentiments, I contend that the re-investment of the Reserves in the Crown is—

1st. *Opposed to the well-known sentiments of the loyal and intelligent inhabitants of this Province.* Mobocracy, I despise; clamour, I neither fear nor respect, whether it emanate from high or low quarters; but I have a true regard for the deliberately formed sentiments or opinions of a people who are interested to feel—intelligent to discern—and authorised by the Constitution of the land to judge of a public question. The learned Dr. Browne, of the last century, (Chaplain to the Bishop of Carlisle) amongst other characteristics of a great statesman, observes, that "He will not despise, but honour the people, and listen to their united voice."* This sentiment,

* The same Rev. author thus expresses himself on the important question of the general voice of a People being the best rule of government:

I am not ignorant, that it hath been made a point of debate, whether, in political matters, the general voice of a people ought to be held worth much regard. Right sorry I am to observe, that this doubt is the growth of later times; of times, too, which boast

I am confident, accords alike with your generous feelings and deliberate judgment. The question of re-investing the Reserves in the Crown for religious purposes, making the Imperial Government the judge of their appropriation, is not a new one. It was first introduced into the Assembly by Mr. Hagerman, (then Solicitor General) the 12th of March, 1831. That Assembly repeatedly expelled Mackenzie from its counsels, and cannot be suspected of leaning to ultra-liberalism. But what was the result of Mr. Hagerman's motion and exertions? His motion was rejected by a majority of 30 to 7. And let it be remembered that the following names were amongst the Nays, viz. the Honbls. James Crooks and Wm. Morris, Messrs. C. Berczy, W. Chisholm, J. Clark, W. Elliot, A. Frazer, C. Ingersoll, D. Jones, McMartin, Maçon, Mount and Samson.

Now, Sir, can it be supposed that these gentlemen would

their love of freedom: but ought, surely, to blush, when they look back on the generous sentiments of ancient days, which days we stigmatize with the name of slavish.

Thus runs the Writ of Summons, to the Parliament of the twenty-third of Edward the First

'The King to the venerable Father in Christ, R. Archbishop of Canterbury, greeting: As the most just law, established by the provident wisdom of princes, doth appoint, that what concerns all, should be approved by all; so it evidently implies, that dangers common to all, should be obviated by remedies provided by all.'

A noble acknowledgment from an English King, which ought never, sure, to be forgotten or trod under foot by English subjects!

There are two manifest reasons why, in a degenerate state, and a declining period, the united voice of a people is, in general, the surest test of truth in all essential matters on which their own welfare depends, so far as the ends of political measures are concerned.

First, because in such a period and such a state, the body of a people are naturally the least corrupt part of such a people. For all general corruptions, of whatever kind, begin among the leaders, and descend from these to the lower ranks. Take such a state, therefore, in what period of degeneracy you please, the higher ranks will, in the natural course of things, be farther gone in the ruling evils than the lower: and therefore, the less to be relied upon.

Secondly, a still more cogent reason is, that the general body of the people have not such a bias hung upon their judgment by the prevalence of personal and particular interest, as the great, in all things which relate to state matters. It is of no particular or personal consequence to the general body of a people, what men are employed, provided the general welfare be accomplished; because nothing but the general welfare can be an object of desire to the general body. But it is of much particular and personal consequence to the great, what men are employed; because, through their connexions and alliances, they must generally find either their friends or enemies in power. Their own private interests, therefore, naturally throw a bias on their judgments, and destroy that impartiality which the general body of an uncorrupt people doth naturally possess.

Hence then it appears, that the united voice of an uncorrupt people is, in general, the safest test of political good and evil; and therefore, the best aid and assistant to an upright Prince, in the choice of such Ministers as may secure to them the good, and divert the evil."—*Estimate of the Manners and Principles of the Times*, Vol. II. pp. 447-451.

"The object of the original compact was the public benefit, by rendering its government as efficient to promote the good of the State as possible, which, therefore, necessarily supposed the liability to future modifications, when the *fairly collected public sentiment, through the organs by which it usually expresses itself as to the public weal, required it.*"—Watson's Theological Institutes, vol. III. p. 312.

have voted against the re-investment of the Reserves, had they not known that the measure was most repugnant to the wishes of the intelligent constituency of this Province? I need scarcely observe that the last Parliament was still more unanimous in their opposition to the measure of re-investment—that their proceedings on this question, so far from having been objected to, constituted their chief strength in the elections of 1836, and that it was professing the same principles on this question, in connexion with constitutional views on other subjects, that many of the present members succeeded in obtaining seats in the Assembly. The same motion met with the same fate during the first session of the present Parliament. Are not the sentiments of the Province as general and as strong at this moment against any measure of the kind as at former period? Aye, and stronger, though the popular expression of them is restrained by temporary circumstances.

2. I object to the re-investment of the Reserves, secondly, *because it involves a principle directly hostile to the oft-repeated "opinions and feelings" of the Province.* It must be recollected that the only re-investment ever proposed, or now contemplated, is not for *general*, or even *educational*, but for *RELIGIOUS* purposes. The measure has been invariably proposed and argued as an amendment, and in opposition to the *education* disposal of the Reserves. The very idea of the measure argues an utter contempt of the constitutional voice of the Province. It is also invidious and partial in its application. It is known that there are at least three religious denominations in this Province—Methodists, Baptists, and Independents—whose views are known, and have been publicly expressed, on the subject of applying legislative appropriations to the support of their Clergy. I stop not to enquire whether their opinions are doctrines of revelation, or mere prejudices—whether they are wise or foolish—any more than I presume to inquire into the peculiar opinions of other religious communities; but this much I maintain, that there can be no "equal rights upon equal conditions," without the peculiar opinions and wishes—at least in respect to themselves—of one religious party are as fully consulted as those of another.

3. My third objection to a re-investment of the Reserves is, that *it refers the questions involved from a more, to a less,*

competent tribunal for decision. I question not the liberality or capacity of any government that may be placed and maintained at the head of public affairs, by the suffrages of the British Nation. But omniscience is not an attribute of humanity; and the ablest men in England who are not personally acquainted with the Province, are as incompetent to judge of matters affecting our local internal religious condition and interests, as we are to decide upon the local politics of England. I speak from personal experience when I assert, that it is utterly impossible for any person who has been born and educated in Upper Canada, and who has never been in England, to form any accurate idea of the social state of society there in connexion with the civil institutions of that country, however intimately he may be versed in the principles and facts of British history; and equally impossible is it for any man in England, especially one educated in the higher circles of society, to form any tolerable notion of the habits, views, feelings, prejudices, and wants of a community, like that of Upper Canada, which has been principally born and educated in the absence of real Royalty, an opulent and acknowledged aristocracy, a richly endowed hierarchy, and other privileged classes, and which has congregated together from the four quarters of the globe. What has the acute and highly gifted LORD DURHAM publicly confessed on this subject? Why, notwithstanding his knowledge of the principles and science of government, ancient and modern—notwithstanding his almost unequalled knowledge from travel and residence of the social state of Europe, and the practical workings of its various systems of governments, under absolute despotisms, free monarchies, citizen kings, democratic republics, and tributary provinces—notwithstanding his acquaintance with all the parliamentary and other public documents and accredited histories respecting Canada—yet did his Lordship confess that he was practically ignorant of the country, and utterly unqualified to judge of any matter affecting its social interests. And let it not be forgotten, the questions at issue in this controversy are not mere matters of fact, or religious or political theories, or questions of disputed right and sectional interests between litigant parties—(that is a low and contracted and selfish view of the subject) but they are questions of practical legislation

affecting the social feelings and state of society in all its ramifications. What tribunal then but that which is intimately conversant with Canadian society is at all competent to decide and even permanently arbitrate upon questions so deeply affecting its social harmony and happiness? If, Sir, a state paid ecclesiastical establishment were a matter of express revelation from heaven, and respecting which there was no more room for difference of opinion than concerning the cardinal doctrines of our common christianity, then might the case be differently viewed—then would the question be narrowed to a single point—then indeed would the non-contents be as the Editor of *The Church* newspaper has charitably designated them, “anarchists and infidels!” But when the fact is considered, as avowed by Wesley, and stated by Paley and the ablest advocates of ecclesiastical establishments, that they (to use the words of Paley) are “no part of christianity, but only the *means of inculcating it*,” as suggested by human wisdom and expediency, then must time, places, and circumstances be taken into the account, as in all other matters of human expediency—which cannot be done so effectively as by a local tribunal.—Again, the “prevailing opinions and feelings” of the inhabitants of Upper Canada are to be the rule of decision in the questions at issue, or they are not. If not, then are we slaves, and not Briton̄s. In such a case, rectors are the witnesses as well as instruments of our bondage, and rectories the sepulchres of our liberties. But if so, as common sense and Royal despatches declare, then what tribunal is competent to decide but that in which the “prevailing opinions and feelings of the Canadians” are represented? And what stronger proof could Her Majesty give of regard to the rights and interests and happiness of her Canadian subjects, than a direct appeal to them to elect a tribunal for the express purpose of representing their “prevailing opinions and feelings” on this all-important subject? Royal instructions and the established constitution of this country have made the collective voice of its inhabitants the principle and rule of action in respect to the questions in debate. I bow to that decision, whether I individually approve or partake of its advantages or not. I acknowledge, I will abide by, no decision at war with that. A man who will not submit to the constitutionally collected sentiments of the country of which he is

a subject or citizen, in matters respecting which the constitution recognizes that decision, is an enemy to the chartered rights of his fellow-men, and a traitor to the principles of the constitutional compact. I unequivocally declare the fact, and defy successful contradiction.

4. But I have a fourth and equally strong objection to the measure of re-investment. It refers the questions at issue not merely to an incompetent, but to a *partial and injuriously dependent tribunal*. Of the existence of this objection, I was not conscious twelve or even eight months ago. I never advocated the re-investment of the Reserves; but I have heretofore believed that the decision of the Imperial Executive would be decided by the most generous liberality, and perfect impartiality and independence. But facts—trumpet tongued facts—have undeceived me. The Rev. Mr. BETTRIDGE has been in England; and facts have transpired in connexion with his Mission, and the Government, which prove beyond a doubt, that Her Majesty's Ministers are neither *impartial* nor *independent* judges in the affairs of Canada generally, and especially in respect to the questions under consideration. I need not enter into particulars; but I know, and have the proof, that *individual* opinions (at variance with official despatches) have been expressed in high quarters in England to which the mass of the inhabitants of Upper Canada never have and never will subscribe—even should all classes of Clergy unite to convert them to those opinions. But, let Her Majesty's Ministers be disposed to decide and act with the utmost liberality in regard to the views and interests of all classes of the population of Upper Canada, are they *independent*? Is there not a power behind the Throne that rules them in these matters? Were even LORD DURHAM's connexions, and influence and character and government, a protection against the upas exercise of that power? Has not Mr. Bettridge, after the previously-repudiated example of Messrs. Hume and Roebuck, held agitating meetings in England on Canadian affairs, and formed plans to call the power of the House of Lords into exercise whenever our ecclesiastical questions may be submitted to the decision of the Imperial Government? Has not the Editor of *The Church* boasted of its efficiency? In one place,—referring to these very ques-

tions and to Mr. Bettridge's system of petitioning Parliament, as detailed in Mr. Bettridge's Valedictory Address to the inhabitants of England,—the Editor of *The Church* has told us, that “the People of England once awakened—the high-principled, the religious, the Conservative people of England,—will soon testify that their Transatlantic fellow-subjects and fellow-Christians are not to be recklessly abandoned either to bandits and plunderers on the one hand, or to *anarchists* and *infidels* on the other.” In another place the Rev. Organ of the Episcopal Clergy attributes the reluctance of her Majesty's Government to undertake the settlement of these questions to the very cause which I maintain should deter us from placing the Reserves in their hands:—

“The unwillingness of Her Majesty's Ministers (says the Editor of *The Church*) of the Colonial Department to be embarrassed or discomposed by a very troublesome *Conservative Opposition* in the *House of Commons*, and a still more troublesome one in the *Lords*, is the very system of *weak and unprincipled* policy, which, instead of manfully facing and firmly grappling with the Colonial difficulties that present themselves, suffers agitation to proceed and confusion to reign until some quiet to the conscience may be obtained by shifting the vexatious responsibility to other hands;—this pitiful policy it is which has produced so much past mischief, and which threatens so many future disasters to these highly favoured Provinces.”

Again, the Editor of *The Church*, in calling public attention to a Petition to the House of Commons from Blackburn, in behalf of the Canadian Episcopal Clergy, remarks as follows :

“While this petition, like the one lately given from the learned and influential University of Oxford, affords gratifying evidence of a growing interest in the United Kingdom for the spiritual improvement of these Provinces, it may be regarded as the index of a rising spirit,—soon we believe to pervade the great mass of the intelligent and influential conservative population in the parent country,—which will never suffer *the best interests of these colonies to be sacrificed to the impotent and unchristian policy which of late years is so frequently to be discerned in the management of the affairs of our great Empire.* While for the maintenance of place, and its appendages of lucre or authority, the present cabinet court and avail themselves of the support of the most *ferocious and unprincipled* opponents of our Protestant Constitution in Church and State; and while, swayed by *this unhallowed influence*, they seem willing to surrender to any murmurer the same time-honoured *safeguards of our Constitution here*; we have, happily, that check upon their *heedless and revolutionary projects*, which is furnished in the *conservative might and conservative principle of the mother country.* In the face of that *powerful and patriotic body*, they dare not carry into effect their plans of *spolia-*

tion: the thunders of an unrivalled eloquence in the legislative halls, and the plaudits with which that eloquence is greeted by millions without, tell them, in language not to be mistaken, that Britons are not yet so degenerate as to part with their Protestant privileges,—not yet so degraded as to yield to the demands of the *infidel and the leveller*, the best, the surest safeguard of the throne.”

We here see what hands the one-seventh of this Province fall into by the re-investment scheme. The Bishops control the House of Lords, and on these matters, a majority of the House of Commons; and the Lords and the opposition in the Commons govern the Government. The project of re-investment, therefore, is a deception upon the inhabitants of Upper Canada—an ingenious scheme to place one-seventh of the Province at the control of the English Bishops. It is not surprising, therefore, that this plan is so earnestly and under such liberal pretences advocated by Mr. Hagerman and the High Church party. But let them not seek to obtain “quiet to their consciences” and gain to their interests by the “pitiful policy” of “shifting the vexatious responsibility to other hands;” let them “manfully face and firmly grapple” with these questions where—not “anarchists and infidels;” not “ferocious and unprincipled” “levellers,” but—their equally christian, and honest, and faithful, and deserving fellow-subjects can meet them on equal ground—where the character, and interests, and merits of all parties are equally known and justly appreciated—and where alone the social condition of the Province can be fully understood and therefore duly regarded.

5. My fifth objection to re-investment is, that it is a *spoliation of the Property of the Province and a blow at its representative liberties*. Unlike Crown Lands, the Clergy Reserves and the proceeds of them are bona fide the property of the Province—subject to the disposal of its Legislature by the established Constitution—so much so, that Lord Glenelg has pronounced it “unconstitutional” for the Imperial Parliament to legislate on the subject, unless expressly requested by the Representatives of the Canadian people. What then is the scheme of re-investment but a transfer of one-seventh of the Province from our own Legislature to the Imperial Executive? The very idea is monstrous and appalling! Is the Representative branch of our Government so powerful that it should be shorn

of one-seventh of its strength? and is the Executive so weak that one-seventh should be added to its patronage power? and are the people of Upper Canada so rich that they can afford to dispense with the control of one-seventh of their landed property—more than one half of the entire revenue? What would the people of England say at the proposition, to transfer, by act of Parliament, to the Crown for its absolute disposal to purposes of religious patronage one-seventh of the island? Any British statesman who should come down to Parliament with such a proposition would be sent to bedlam as a lunatic; and any Government who might attempt to carry it through Parliament would be overthrown and impeached in a week.

6. My sixth objection to a re-investment is, that it will *tend to weaken, if not ultimately dissolve, the existing connexion between this Province and the Mother Country.* Imagine the measure to be carried out, and what will be the probable effect of its operations? All the Clergy who share in the Executive bounty—whether they consist of one or more classes—would be personally dependent upon the Crown, and would of course be under the regime of executive control; for, as the Rev. RICHARD WATSON has observed, “The State will not exclusively recognize Ministers without maintaining some control over their functions.”* Such Ministers would be, in fact, pensioners upon the Executive; and would be viewed as its partizans and agents, and hirelings—their influence would be annihilated—their usefulness would be paralyzed—they would become a proverb of reproach, and a large majority of the inhabitants of the Province would become desirous of riddance from such a priesthood, as well as from such a system. Representatives would be elected to urge the Government to apply the proceeds of the Reserves to the payment of the public debt. *The Church’s* “conservative might and conservative principle of the Mother Country” would be brought into requisition against so “sacrilegious” a spoliation. *Independence* would be eventually mooted as the effectual and final means of settling the whole affair, and of securing to this country in one single instance the value of one-seventh of the Province, as Great Britain would be glad then to receive the Clergy Reserve fund in payment of the Provincial Debt, and as the

* *Theological Institutes*, Vol. III., p. 334.

annihilation of the fund altogether would be preferable to the application of it to the maintenance of an executive political priesthood. How would even the established Clergy in England be situated and viewed, were they the pensioners and creatures of the Executive for the time being? Even supposing the proceeds of the Reserves were to be exclusively applied to clerical purposes, no scheme could be devised to place the Clergy in so invidious and degrading circumstances, and to multiply sources of dissatisfaction in the Province, and disagreements between this country and the Parent State, as this crooked and un-British scheme of re-investment. To re-invest the Reserves, therefore, is only the beginning of contention and difficulties, rather than the termination of them. Of the measure of re-investment, I may say what the Scotch Commission of Synod has said of the dominant church scheme—"The most malignant ingenuity bent upon the destruction of this fair Province, could not have devised a measure better fitted to bring about the disastrous result."

I know it has been urged as an argument for re-investment, that "the question is so intricate—such a diversity of interests is involved in it, and such a variety of opinion exists respecting it, that there is no hope of effecting a satisfactory settlement of it in this province." And where has there been any important measure before our Legislature in which a diversity of interests was not involved and on which a variety of opinion did not exist? Was that not the case in England in regard to the Reform Bill—the Municipal Corporation Bill—the Tythe Bill, &c.? Was it proposed to send those measures out to Canada for settlement? Was there not a diversity of interest and variety of opinion in this province concerning the Religious Relief Bill, the Marriage Bill, &c. &c.? The only real difficulty in the settlement of these litigated questions, is a want of inclination and determination to deal with it upon the broad principles of enlightened British legislation. The moment the idea of all Church or sectarian supremacy in the province is abandoned by the government, and the people of Upper Canada known and treated not as certain classes of religionists, but as British subjects, that very moment all difficulty in the way of settling the Clergy Reserve question will vanish, and a large fund, even in these

straitened times, will be found at the disposal of the Legislature for the most noble and patriotic objects.

It has also been argued, that the English House of Lords will not consent to any bill which enlarges beyond, or diverts the application of the Reserves from, what they hold to have been the original design of their appropriation, but they may consent to the re-investment of them in the Crown, as the Lords will always have a check upon its acts. If there be any force in this objection, then the successive royal despatches which have been laid before our Legislature, in relation to the Clergy Reserves, are a burlesque upon diplomacy—an outrage upon honesty—and an imposition upon the Canadian public. But I believe no such thing. In the Island of Prince Edward, a bill has become a law to dispose of the Reserves there for educational purposes. We do not ask the House of Lords or Commons for their *consent* to any provincial bill; we only ask them to let it alone when it is laid on their table. But if, prompted by *The Church and Mr. Bettridge* and others like-minded, the Lords will interfere, then be the responsibility with them (and their prompters,) as was the case in respect to their factious opposition in rejecting the first English Reform Bill. But it is clear, that if the Lords will interfere to disallow a bill which does not accord with their aristocratic theories and feelings, then will they interfere with the Government, should it undertake to appropriate the Reserves and their proceeds in accordance with the “prevailing opinions and feelings of the Canadians.” Only in the one case, the Clergy Reserve property will still be in the hands of the provincial Legislature; in the other case, it will be under the virtual supervision of the English Bishops. I will therefore conclude my argument in the words of the friendly proposal for settling the Clergy Reserve Question, put forth last winter by the Rev. Mr. Harvard and eleven other senior Wesleyan Ministers:

“In regard to the plan of re-investing the Reserves in the Crown when proposed in the present Assembly at its last regular Session, it was, after the fullest deliberation, *rejected*, as it had been on several former occasions.—And we can conceive no new reasons, in the present aspect of affairs, to induce the Assembly to come to a different decision. This plan appears to us to be fraught with absurdity and difficulty, if not ultimate danger. We charitably hope it is not the object of those who now recommend this plan, to induce Her Majesty’s

Government to distribute the proceeds of the Clergy Reserves in a manner that the "prevailing opinions and feelings of the Canadians" would not render it advisable for the local Legislature to do. To such a proceeding no enlightened and disinterested friend of the country can be a party. Nor can we conceive how Her Majesty's Government can be more competent to judge of the distribution of the Reserves than the local Legislature, when, apart from other considerations, we are assured in a Royal Despatch, that the "*advice of the Representatives of the people*" will be the *guidance* "of the Crown in respect to all religious endowments." If, then, as it is even confessed by the Imperial Government, that the Representatives of the Canadian people are the most competent advisers of the crown in respect to all "religious endowments," where is the necessity or propriety of re-investing the Clergy Reserves in the Crown for those very purposes?—Nor does it appear to us such a disposition of the Reserves would settle the present disputes.—The different denominations would immediately prefer their respective claims to Her Majesty's Government, the result of which must be to prolong and increase the controversy in both the British and Canadian Journals, to involve the Imperial Government in hostility with the disappointed religious parties in the Province, and to excite rival and combined efforts among different denominations with a view of obtaining a preponderating influence in the local Assembly, in order to promote their respective interests with the Parent Government. For the sake, then, of the interests of religion, the peace of the Province, and the maintenance of a good understanding between both branches of the local Legislature, and all classes of inhabitants and the Imperial Government, we hope the re investment of the Clergy Reserves in the Crown will not take place."

I have the honor to be, &c. &c. &c.

No. VIII.

February 18, 1839.

SIR :

The important and practical question which next presents itself for examination is—*Is it expedient for the interests either of religion or the state to appropriate the Clergy Reserves, and the proceeds of the sales of them, to the maintenance of one or more classes of Clergy?*

Often, Sir, when addressing a jury, you have felt it necessary to crave an *impartial* hearing. Permit me, on the present

occasion, to solicit a similar favour of yourself, and of many parties concerned. The jury of the country has indeed been more than once appealed to, and has more than once recorded its verdict; the difficulty is to induce the country's representatives and the country's Government to execute the country's verdict. And whence *arises* this difficulty, but from the prejudices of education, of theory, and of interest?—from the influence of which I implore our legislators to divest their minds. Whence *exists* this difficulty at the present moment, but from an almost incredible government disregard to the wishes of a country whose loyalty has been successively and successfully appealed to for the preservation of the government itself? How could this difficulty be yet in being, had not British constitutional rights and Canadian constitutional rights been viewed and treated in high quarters as essentially different things? And while we have justly boasted of the glory of the former, we have been despoiled up to this hour of nearly all but the shadow of the latter. Oh, Sir, let double-dealing with the civil rights and earnest wishes of the people no longer disgrace the government and legislation of Upper Canada,—let such a mode of government henceforth approach no nearer to us than the new States of the neighbouring Republic,—let straight-forward English honesty be the rule of our future government,—let due regard to the equal rights and interests of every British subject in the Province be practically exercised, if the loyalty of every British subject would be efficiently perpetuated. The bond of mutual confidence, affection and interest, between a government and people is a more impregnable defence against the traitor and the pirate, than scores of fortresses and hundreds of regiments of soldiers.

Before entering into the merits of the present subject of discussion, I have a few preliminary remarks to make.

1. I waive the consideration of the question whether it is not consistent with the character, and institutions, and principles of the Gospel dispensation for provision to be made by the civil Legislature for the ministrations of religion; or whether the duties of both the ministers and members of the Church are not so explicitly defined in the Scriptures of the Christian dispensation as to remove all doubt relative to their respective duty in respect to each other; and whether it is the province

of any human tribunal to make any law that will interfere with the DIVINELY prescribed duties of the member, any more than of the minister of the Church. The Christian religion is not a system of human expediency or of state policy, but a Divine Revelation—a Divine remedy for human sin and misery—whose agency is as much of Divine selection as its object—and whose existence and success depend, not upon human theory and skill, but upon the continually operating energy of that Spirit whence the whole scheme originated. All civil laws and legislation ought to be based on the Christian religion; I believe that civil legislation will be amongst the trophies of Christian triumph—that the collective homage of nations will be the inheritance of the Son of God, as well as the love and obedience of individual saints. But my present business is only with the question of specific appropriations to certain classes of Clergy.

2. Neither have I a word to say on the expediency and wisdom of the ecclesiastical establishment of England; nor on the subject of Imperial Parliamentary appropriations in aid of Colonial Clergy. I trust I am not ignorant or insensible of both the advantages and evils connected with the English National Church Establishment; nor am I an advocate for its subversion, interwoven as it is by the operations of a thousand years with the entire civil and social institutions and relations of England, however opposed I may be, upon the most weighty considerations, to its introduction into a new and differently constituted state of society, and however right and necessary I may think it to adduce facts arising out of the operations of the ecclesiastical system in England as a warning against its erection here.

3. I even go further in my admissions. I have nothing to say in objection to the right or propriety of any people or country legislating for the encouragement of a particular form of religion when the great majority of them are agreed in its belief and profession, and in the expediency of adopting such a method to inculcate it. I do not feel it necessary to express my own opinions on either of these points; but I concede them in the present discussion.

Having premised thus much, I now proceed to state my objections, 1st, to the application of the Clergy Reserve appro-

priation to the Episcopal Clergy exclusively; 2ndly, to the application of it to several classes of Clergy.

The long-advocated claim and plan to apply the Reserve appropriation to Episcopal Clergy exclusively is now so universally abandoned as unjust and impolitic, and even impracticable, that I advert to it rather for the purpose of making a remark or two of importance in the present discussion, than from an apprehension that it will be seriously attempted to be forced through the Legislature.

1. An exclusive endowment of the Episcopal Clergy would be a violation of the great principle which has been conceded by the ablest advocates of Establishments; namely, that they must *include a majority of the population*. Dr. Paley says—"If the dissenters from the establishment become a majority of the people, the establishment itself ought to be altered or qualified. If there exist amongst the different sects of a country such a parity of numbers, interest, and power, as to render the preference of one sect to the rest, and the choice of that sect a matter of hazardous success, and of doubtful election, some plan similar to that which is meditated in North America,* and which we have described in the preceding part of the present chapter, though encumbered with great difficulties, may perhaps suit better with this divided state of public opinion, than any constitution of a national Church whatever." (a) To create the church of the minority therefore as the provincial church is not merely an insult to the understanding and faith of the majority of the people, but a solecism in legislation.

2. It is also taxing the entire population to support the religion of the minority. The value of the Clergy Reserves has been created by the entire community—it is the proceeds of their united enterprise and labour; and ought, in all justice, to be applied to their general benefit. To apply the proceeds of the Clergy Reserves to support the Episcopal Clergy only, is to compel fourteen-fifteenths to support the Clergy of one-fifteenth of the population.

3. Again, it bestows invidious and unmerited favours upon

* Imposing a general tax for the support of religion, leaving it to each tax-payer to say to what class of Clergy it shall be paid.

(a) Moral Philosophy, ch. X.

a minority of the population to the exclusion of the great majority. In what respects are the adherents of the Episcopal Church more deserving of favour or assistance than the adherents of other Churches? Are they more loyal? Do they pay more taxes? Do they perform more onerous duties? Do they make greater sacrifices? Are they more pious and zealous? Are they poorer and more needy? Why should they not support their Clergy as well as the members of other religious denominations? In the Report of the Select Committee of the House of Assembly on the Petition of Christian denominations in 1828—a Report adopted by a great majority of the Assembly—it is justly observed on this point that

“According to the concurring testimony of the witnesses, the members of the Church of England in this Province in proportion to their number have at least equal means of supporting their clergymen with other denominations. The latter have a large number of clergymen in the province. Without any aid therefore from Great Britain, the members of the Church of England are able without difficulty to support as many clergymen of their church as the number of their members requires. If however they are not willing to furnish for this purpose the same means which other sects furnish for a similar purpose, there can be but little tendency, even among those who are nominally its members, to the church of England. If they are willing, there can be very little necessity for the aid now received from Great Britain, and much less for any further assistance, unless to carry on a system of proselyting to that Church the members of other denominations.”

If then the *members* of the Episcopal Church have no just or reasonable claims to pecuniary indulgence out of the public funds above the members of other religious denominations, have the *Episcopal Clergy* any equitable claim to exclusive or peculiar endowments? In addition to Clergy lands and the proceeds of them, and various grants of colonial revenues, they have received from England in the shape of parliamentary and other grants, upwards of £150,000 or \$600,000, whilst other classes of Clergy have not cost the government a sixpence. And now for the comparative result in the three oldest and most populous districts in Upper Canada—Home, Niagara, and Gore. My authority in respect to the labours and usefulness of the Episcopal Clergy in these metropolitan districts will be the reports of Clergymen themselves. I have before me the London *Record* newspaper of the 8th of November last—a zealous Church publication—in which there is a communica-

tion, the statements of which are professedly founded upon the reports of Episcopal Missionaries in Upper Canada. I will give a few extracts.

From the London Record, Nov. 8, 1838.

“UPPER CANADA CLERGY SOCIETY.

“*To the Editor of the Record.*

“Sir,—In the belief that the fearful state of spiritual destitution in U. Canada is but very inadequately known, I take the liberty of requesting the insertion of a few facts in your valuable journal, which may, I trust, tend, under the divine blessing, to lead the attention of Christians to a consideration of the privileges we here enjoy, and of the duty laid upon us to make energetic exertions on behalf of our patriotic fellow-subjects in that Colony.

“Upper Canada is about equal in extent to England and Wales, and partially inhabited throughout; its population exceeds half a million. The district of Gore contains twenty-four townships, and in March, 1837, its population amounted to 43,920 souls; this population is rapidly increasing, yet in the whole district there are but four resident clergymen and one travelling missionary.

“The district of Niagara contains twenty-two townships, and, according to the same census, 32,296 souls; there are five clergymen stationed along the boundaries to the north and east of this district (which is most favourable for settlers), but for the south border and the interior, comprehending seventeen townships and 20,000 inhabitants, none have been provided. Here again, as in the Gore District, there is but one travelling missionary, Mr. O'Meara, who is in the service of the Upper Canada Clergy Society. There is no clergyman of our Church between Toronto and Darlington, a distance of fifty miles, stretching along the coast of Lake Ontario, and containing 10,957 inhabitants. When the Society's missionary passed through Newmarket, and Holland-Landing, in May, 1837, these townships, though in the immediate neighbourhood of Toronto, had received only one visit from a clergyman in the space of seven months. At Paris, Gore district, many of the settlers had enjoyed no opportunity of receiving the Lord's Supper during the space of three years before the visit of the Society's missionary, Mr. O'Neill.”

“Fearing to occupy too great a space in your columns, I will only add two short extracts from the last journal of the Society's missionary, Mr. Osler, who was located by the Bishop of Montreal in the townships of Tecumseth and West Guillemberg, close to Lake Simcoe, and about forty miles from Toronto. The population, amounting to about four thousand, is dispersed over the whole extent of these districts, which contain about two hundred and forty square miles. The ten adjoining townships are totally destitute of regular spiritual instruction; the nearest clergyman in the neighbourhood of Toronto is thirty miles distant, while in other directions there is not one within eighty miles.”

“Commending these startling and affecting facts to the prayerful consideration of your readers, I remain, Sir, your most obedient servant,

W. R. F.”

Such is the inviting light in which the Episcopal Clergy present to British emigrants the three chief districts of Upper Canada; such is the account they give of their own ministrations. Now, are these districts in a state of moral darkness and barbarism, as the mere English reader might be led to imagine? You know, Sir,—every inhabitant of these districts knows the reverse. I venture the assertion without fear of successful contradiction, that there is not a county, city, town, or village in England itself in which there are so few persons who cannot read, or so many periodical publications read, in proportion to the whole population, as in the Home, Niagara, and Gore Districts of Upper Canada. You know, Sir, the general intelligence, morality, and loyalty of the people. Yet the above is the portrait of *Episcopal* ministrations in these districts. But what have been, and what are the labours of other classes of Clergy in these same districts?—Clergy who have never taxed the British revenue a farthing. To begin with the HOME DISTRICT, and to leave the City of Toronto out of the question, in regard to both Clergy and Churches, &c., there are four or five Scotch Clergymen and Churches, and a number of congregations,—two or three Baptist Clergymen and Churches; there are nine itinerant Wesleyan Clergymen, besides a large number of local preachers, twenty-five chapels, and one hundred and odd preaching places, which are supplied by both the travelling and local preachers. In the NIAGARA DISTRICT, there are several Presbyterian Ministers and Churches—six Baptist Ministers and nine congregations—seven itinerant Wesleyan Ministers and a number of local preachers, fifteen chapels, and upwards of eighty regular preaching places. In the GORE DISTRICT, there are three or four Scotch Ministers and Churches—four Independent Ministers and Churches—two or three Baptist Chapels—three dissenting Methodist Chapels—ten itinerant Wesleyan Ministers, upwards of twenty local preachers, twenty-four chapels, and rising of one hundred regular preaching places. An examination of other districts would present a result still more advantageous to my purpose. Here, Sir, is the voluntary and taxation or compulsory systems, side by side, in practical and vivid contrast! Upon what grounds then of success, of labours, of equity, of reason, can an exclusive endowment of the Episcopal Clergy be advocated?

Are the fruits of the labours of the entire population of these districts, in the proceeds and present value of the Clergy Reserves, to be applied to the exclusive endowment of a Clergy whose ministrations are as "few and far between" as is above stated by themselves? My argument might be strengthened, if it were necessary, by an inquiry into the *recency* of Episcopal ministrations in most places of these very districts, and into the religious and moral efficiency of those ministrations in suppressing intemperance, sabbath-breaking, profaneness, &c., and in promoting the devotional and several other virtues and graces of practical and scriptural piety.

4. To appropriate the Clergy Reservation to the Episcopal Clergy exclusively creates a necessity for penal laws, for partial and arbitrary government. The existence of an establishment involves the necessity for the use of the requisite means to defend and maintain its supremacy against all opposition and rivalship. Thus the Irish ecclesiastical establishment renders a large standing army necessary in Ireland in order to secure and enforce the rights and prerogatives of the establishment. Did the Episcopal Church embrace an overwhelming majority of the population, there would arise less danger of penal laws, military and partial government, from its establishment in the province. Conscious strength gives birth to generosity; conscious weakness resorts to every petty and possible means of strengthening itself and paralyzing opposition and rivalship. Hence one of the two cases in which the great Dr. Paley justifies the application of *test-laws* is, "Where two or more religions are contending for establishment, and where there appears no way of putting an end to the contest, but by giving to one religion such a decided superiority in the legislature and government of the country, as to secure it against danger from any other." (b) The House of Assembly of this Province, in the Report above quoted, have placed this point in a strong and convincing light:

"A country in which there is an established church, *from which a vast majority of the subjects are dissenters*, must be in a lamentable state: the committee hope that this province will never present such a spectacle. It is well known that there is in the minds of the people generally

(b) Moral Philosophy, ch. X.

a strong and settled aversion to any thing like an Established Church, and altho' from the conviction so happily and justly entertained, that His Majesty's Government will never adopt a measure so deeply affecting the interests and feelings of the inhabitants of this Province without the most indulgent consideration of their wishes on the subject, there is less anxiety than would otherwise exist, yet the apprehension that it was the intention of His Majesty's Government to incorporate the church of England or any other church with the Government as an appendage of the state—and to invest it with peculiar rights or privileges CIVIL or PECUNIARY, from which other sects were excluded, would excite alarm through the country, and the actual execution of such a measure would produce the most general and lasting discontent. There is besides no necessity for such an establishment. It cannot be necessary for the security of the Government; the loyalty of the people is deep and enthusiastic, and it may be doubted how far it would be improved or increased by any state establishment of clergymen. Religious instruction, it is true, will promote and strengthen loyalty and all other virtues; but no more when communicated by clergymen of the Church of England than by those of other sects, and probably less if they are or appear to be political teachers and servants of the state, rather than ministers of the Gospel. It cannot be necessary for the ends of religion; other denominations of course will not be benefited by it, and the church itself will derive probably but little if any real advantage. The piety and religious prosperity of a church can gain but little from men who are induced by secular motives to assume the sacred functions of the clerical office. In the neighbouring state of New York, as stated by Doctor Strachan to the committee, where all denominations have by law equal rights, the church is in a respectable and flourishing state. Artificial distinctions between men of the same rank, which have no reference to their merits as loyal, peaceable obedient subjects, or to their character for morality and conscientiousness, but merely their religious opinion, are unjust and impolitic. Men may, and, in fact, do entertain the most conscientious objections either against the particular doctrines or form of worship of any given church, or in general against the civil establishment of any church whatever, and its union with the state: if the church is incorporated with the state, they are compelled by the obligations of conscience to oppose one of the civil institutions of the country, a part of the government itself. It is in fact their duty to do so; *but by doing so they become objects of jealousy and suspicion, and in addition to their unjust exclusion from privileges to which they are as much entitled as those who are more fortunate though not more conscientious and perhaps not more correct in their opinions upon this subject, their very conscientiousness comes by degrees to be regarded and treated as a crime. Laws are made to guard against any attempts to injure the establishment. To curtail and counteract their influence they are excluded from the offices and honors of the state and subjected to civil disabilities, and thus in effect freedom of conscience is legislated against; and religion, the rules and sanctions of which are of an infinitely higher nature, is made to rest upon the precepts and penalties of human laws; at the same time the harmony and charity*

which would otherwise prevail between the members of different sects, are disturbed, and sectarian pride and intolerance and animosity take their place."

I now proceed to examine the proposition in favour of appropriating the Clergy Reserves to different classes of Clergy. This proposition and that of dividing the Reserves amongst the various religious denominations are generally treated and viewed as one and the same; but they are *essentially* different—and that difference should be distinctly marked. The one makes the *Clergy* of the denominations specified the individual objects of those Legislative grants; and requires this specific *clerical* application of those grants as a condition of participation in them. The other proposition makes the collective religious communities, or rather the several forms of religious faith, the objects of those grants,—leaving to the wishes and constituted authorities of each community the discretionary application of them, either to clerical support, or to any other religious or educational objects within the range of their general operations. According to the latter of these propositions, the equal rights and the equal liberties and interests of all denominations *may* be secured; the peculiarities and wishes of each denomination *may* be equally consulted; and the interests of religion and education *may* be promoted. But whether these interests, upon such a plan, will be equally advanced, as they would be upon a defined plan of general education, confining the entire Clergy Reserve appropriation to its promotion, is a question—a question which involves a distinct and grave inquiry. At present my observations will be directed against the proposition to appropriate and confine the proceeds of the Reserves to the *Clergy* of several denominations. I shall not stop to inquire whether few or many classes of Clergy be included, as my remarks will be directed against the scheme itself, irrespective of the number of parties proposed to be included in it. But a very important question arises in regard to that part of the proposition in which it has been recommended to include the *Roman Catholic Priesthood*. I shall notice this in its proper place.

First, in reference to the proposed endowment of certain classes of Protestant Clergy, I object to it on several grounds.

1. It will, in my opinion, in a *majority of cases*, be *injurious*

to the individual interests of the Clergy themselves. The divisibility of the general appropriation would be so largely taxed in order to carry out this scheme, that a small sum only could be afforded to each clerical claimant or pensioner—large enough to paralyze voluntary individual effort on one side, and too small to furnish individual support on the other side. The common adage, “half a loaf is better than no bread,” would be found a solecism to the sorrow of many a “half a loaf” recipient. The government bounty would not exceed a quarter of a loaf at best, and would result, in very many cases, in a disproportionable diminution of the other three parts of the loaf.

2. It is an insult to the feelings and character of a majority of the parties concerned, as well as a virtual legislation to exclude them. None but the Episcopal and a portion of the Presbyterian Clergy have expressed a desire to participate individually in the Clergy Reserve endowment. I blame them not for doing so; they have a right to do so as much as I have a right to do otherwise, and a claim to equal sincerity. But a considerable class of Presbyterian Ministers, the Methodist Conference, the Baptist and Independent Ministers, cannot, it is known, conscientiously participate in any such endowments. Indeed it is known, that both the Baptists and Independents hold that the endowment of *any* ecclesiastical priesthood is inconsistent with the principles and genius of Christianity. This is also the belief of very many Methodists—probably a majority of them in this province. The Methodist Conference, however, has never pronounced the legislative endowment of a Church unscriptural and anti-christian in itself, but has repeatedly stated that the support of its members by *legislative* endowments from provincial funds is incompatible with the history of Methodism, inimical to its interests in this province, as well as inconsistent with the equal rights and interests of other religious denominations and the public peace and welfare. The history of Methodism is a practical commentary on the voluntary system; and God forbid it should ever do otherwise than walk in the “old paths” of its hitherto unrivalled success and prosperity! (c) Now to legislate with a

(c) A few hours after these remarks were written, I received THE WESLEYAN, of the 28th ult., an interesting semi-weekly publication, printed at Halifax, Nova Scotia—from

professed view of providing endowments for the Methodist and the other classes of Clergy referred to, is more reprehensible than a formal vote of exclusion against them, as it would savour of insincerity in the individuals who should advocate such a measure, and involve an imputation upon the integrity of religious communities.

3. This plan is founded upon a time-serving expediency, and not upon the principles of religion or public patriotism. It is not proposed on account of the *poverty* of the people; for they are much better off now than they were in former years. It is not dictated by the *moral destitution* of the country; for there are many more Clergy of all denominations in the same region of country now than there were in former years. It is not on account of the *weakness* and *poverty* of the denominations for whose Clergy endowments have been proposed; for the *weakest* and *poorest* denominations are still to be excluded, and only the *strongest* and *wealthiest* endowed! The poorer branches of the great political family are cast off, and the wealthier branches are to be pensioned by the state! The reverse of the laws of nature! Were these same religious communities as few in number and as feeble in influence as they were in former years, and as some of their neighbours now are, they would still be amongst the excluded parties. It is not because their doctrines, and principles, and labours are different now from what they were formerly, but simply because they possess greater numbers and influence. What is

the editorial of which I extract the following passages, more than corroborative of what I have stated :

"It is one of the peculiarities of Methodism that its ministry is supported by the voluntary contributions of the members of the Church. We rejoice that such is the fact. We think that this mode is much more consonant with the spirit and practice of early Christianity, and much better calculated to promote feelings of affectionate and reciprocal dependance between the ministry and laity, than a system of compulsory taxation. On this point we recognize the far-sighted wisdom of our founder; and we conceive that in the establishment of this plan of ministerial support, he has bequeathed to the church a system as efficient in its results, as it is uniting in its character."

"The voluntary system continued in operation till the reign of Constantine, when, by the influence of the Emperor, it was unhappily changed for the plan of compulsory taxation. Not to insist upon the unhappy effects which this change produced, in rendering the ministry secular and worldly, we may be allowed to remark that its natural tendency is to dissolve the unity of affection and design which ever ought to exist between the Church and ministry—to render the latter sordid, and the former suspicious."

"We have no hesitation in saying that the ministry of the Methodist Church will lose nothing by comparison with the ministry of any Church on earth. If a faithful discharge of duty—an all-absorbing love to perishing souls—a fearless spirit of sacrifice—and an unparalleled success in "turning many to righteousness," can constitute a claim on the affection and gratitude of the Church, then is that claim possessed by our ministry."

this, but—in the sight of the sun—making the Christian religion a tool of state policy, and converting its ministers into executive functionaries?

4. This plan will not, after all, accomplish any one good end. Whatever may be the apparent advantages connected with it, they will be found illusory when put to the test of experiment, in regard both to general Christian unity and instruction. Dr. Paley places the difficulties connected with any plan of endowing several classes of clergy in so clear a light that I cannot do better than cite his own words:—

“The only plan which seems to render the legal maintenance of a clergy practicable, without the legal preference of one sect of Christians to others, is that of an experiment which is said to be attempted or designed in some of the new states of North America. The nature of the plan is thus described:—A tax is levied upon the inhabitants for the general support of religion; the collector of the taxes goes round with a register in his hand, in which are inserted, at the head of so many distinct columns, the names of the several religious sects that are professed in the country. The person who is called upon for the assessment, as soon as he has paid his quota, subscribes his name and the sum in which of the columns he pleases; and the amount of what is collected in each column is paid over to the minister of that denomination. In this scheme it is not left to the option of the subject, whether he will contribute, or how much he shall contribute, to the maintenance of a Christian ministry; it is only referred to his choice to determine by what sect his contribution shall be received. The above arrangement is undoubtedly the best that has been proposed upon this principle; it bears the appearance of liberality and justice; it may contain some solid advantages; nevertheless, it labours under inconveniences which will be found, I think, upon trial, to overbalance all its recommendations. It is scarcely compatible with that which is the first requisite in an ecclesiastical establishment,—the division of the country into parishes of a commodious extent. If the parishes be small, and ministers of every denomination be stationed in each, (which the plan seems to suppose,) the expense of their maintenance will become too burthensome a charge for the country to support. If, to reduce the expense, the districts be enlarged, the place of assembling will oftentimes be too far removed from the residence of the persons who ought to resort to it. Again: the making the pecuniary success of the different teachers of religion to depend on the number and wealth of their respective followers, would naturally generate strifes and indecent jealousies amongst them; as well as produce a polemical and proselyting spirit, founded in or mixed with views of private gain, which would both deprave the principles of the clergy, and distract the country with endless contentions.” (d)

(d) Moral Philosophy, ch. X.

I need scarcely add, that the experiment to which Archdeacon Paley refers has been tried in the New England States, and failed. In my opinion there is no medium, *upon rational and equitable grounds*, between the endowment of one body of clergy or no clerical endowments at all. If the population congregated in a country is such in its varied religious opinions as to render the exclusive endowment of any one class of clergy unadvisable and impracticable, other mediums, in my humble judgment, than clerical endowments, should be sought and employed by government for communicating religious and moral instruction to the people.

5. Hitherto I have not noticed the proposition as including the *Roman Catholic Priesthood*, although my arguments are of general application. But there is something in the proposition when viewed in this connexion which is well worthy of a distinct and serious consideration. I believe, Sir, that the Roman Catholic Priesthood is entitled to equal protection with the Episcopal, or Methodist, or Presbyterian Priesthood; I believe every Roman Catholic should be equally protected in his faith and worship with every Protestant. Yet am I not indifferent to what I conceive to be the *religiously* (I don't say *politically*) dangerous errors of the Church of Rome, any more than a sincere disciple of the Romish faith is indifferent to what he conceives to be the fatal errors of Protestantism. As a *statesman*, and as a member of an enlightened and impartial government, I conceive it is your duty to show no favour to Her Majesty's Protestant subjects that is not equally shown to Her Majesty's Catholic subjects. But, Sir, the character of Christian is not to be lost in that of politician; nor are the *principles* of *Protestantism* to be absorbed in the *policy* of the *statesman*. It is one thing to extend equal and impartial protection to all forms of religious faith; it is another thing to be a party in the endowment of them. It is one thing to protect Popery equally with Protestantism; it is another thing to endow it as part of the religion of the state. In the one case equal and impartial law is administered; in the other case Protestantism is compromised,—and that which lies at the very foundation of the British Constitution—that which placed the present Royal Family on the Throne of England—that for which a Cranmer, a Latimer, a Ridley, chose the flames of martyrdom rather than

a life of compromise—is sacrificed upon the altar of political expediency. I have viewed with deep concern the grants which have of late years been made by the Crown to the Roman Catholic Priesthood; but I and others have said nothing, because the funds out of which those grants have been made are the rightful property of the Crown, and we regard the prerogatives of the Crown as sacred as the rights of the subject. I have sought all possible means to avoid the notice of this point in the present discussion; but after many months' serious reflection, and a careful re-examination of the most important periods of British history, I feel that silence would be a disgraceful pusillanimity—a criminal dereliction of duty. If a measure of clerical appropriation and division of the Reserves be brought forward, I have good reason to know that the Roman Catholic Priesthood are to be included in one of four ways—by enactment, by legislative recommendation, by private understanding, or by granting some other equivalent. In each case the morality, the principles, the object of the policy are the same; the difference is only in the manner of carrying it out. If the endowments are for state purposes, then be it known and understood that one-seventh of the Province is appropriated to certain priesthoods in order to enable the Government to maintain its existence and influence, and that these priesthoods are political agents for that purpose. If not,—if the endowments are made for purposes of religious instruction, then must religious principles be the rule and standard of appropriation. I ask how then can a Protestant Churchman with the Prayer-Book and Homilies in his hand, and the Protestant Presbyterian with his Confession of Faith, and Protestants of all classes with the facts of British history before them, vote for the *endowment* of the *papacy*? James II. had not gone so far as even to admit the propriety of endowing Popery in connexion with Protestantism, when he was held to have forfeited the Crown, and deposed as a traitor to the Protestant Constitution of the kingdom. I stop not to ask whether it is right or wrong; but I assert it as a fact, that no man can be true to the principles of the British Constitution, and advocate the endowment of Popery. Is the blow to be struck at the root of Protestantism in the British Empire by Upper Canadian legislation? Is the Protestant shield and buckler to be wrested from

us by act of Parliament or Colonial Executive policy? For when Popery is selected and endowed, and thereby consecrated by Government, as a medium of communicating religious instruction, the moral influence of the Government adds a sanction to the assumptions of papal infallibility, and the influence of protestant argument and truth will be proportionably weakened and frowned upon. The tithe-oppressed Catholics of Ireland and their proscribed priests will have a premium for coming to Canada—the religion of the one being a passport to favour and office, and the profession of the other a warrant for endowment—while the Protestants of the United Kingdom will have an additional inducement for emigrating to the United States,—the badge of a Protestant Non-conformist especially being anything but a recommendation to Court patronage in Upper Canada; and Protestants in Upper Canada will at no distant day be in a minority, like those in Lower Canada. Let the facilities and encouragement for the education of Catholic youth be equal with those for the education of Protestant youth,—let the Catholic faith be equally protected with the several forms of Protestant faith,—let Protestants and Catholics be united in the maintenance of that form of Government to which they are equally attached and by which they are equally protected, and in promoting wise and useful legislation in which they are equally interested; but in respect to that faith which they both profess to believe is revealed from heaven and is enforced by the sanctions of eternity, let there be no compromise of principle on either side. Let the TRUTH—“the word of God—the sword of the Spirit”—have free course, and it will triumph and be glorified. There is, as far as I know, but one example of the endowment of both the Romish and Protestant Priesthoods by the same Government—that is in FRANCE, where the Christian priesthood is despised as a mere creature of state policy, and where is witnessed a nation of fornicators, deists and atheists.

My conclusion therefore is, that as no one Church embraces a sufficiently large portion of the population to justify the exclusive endowment of its Clergy,—as the endowment of more than one class of Clergy in the same country is clearly invidious, anti-British, unprincipled and impracticable, the Reserves should

not be appropriated to the endowment of any priesthood, but for purposes beneficial to all classes of the population.

I have the honor to be, &c. &c. &c.

No. VIII.

February 25, 1839.

SIR :

The concluding topic of the present discussion is,
**THE APPLICATION OF THE CLERGY RESERVE APPROPRIATION TO
 EDUCATIONAL PURPOSES.**

In the examination of this proposition, a few explanatory remarks will be necessary, in order to prevent any misunderstanding, and to correct erroneous representations respecting it.

1. It has nothing to do with the assumptions of any Church as an establishment of the Empire. Mr. Attorney General Hagerman, in his speech on this subject during the first session of the present Parliament, justly remarked that "the Church of England would not be less the Established Church of this Province, if not one acre of land had been reserved for its support, than it is with the appropriation that has been made for that object." It has never been pretended by any Episcopal writer, as far as I know, that the Church of England is established in this Province by the Constitutional Act of 31st Geo. III. ch. 31; the Att'y General and other legal gentlemen of the same political sentiments have always contended that the Church of England was established throughout the British dominions by the 1st of Elizabeth, and that the 31st of George III. ch. 31, makes merely a reservation of lands for the maintenance of "a Protestant Clergy," (who they say are necessarily the Church of England Clergy,) and authorises the endowment of parsonages according to the Church of England with portions of that land. It is therefore clear that the establishment of the Church of England, and the endowment of it

with one-seventh of the lands of this province, are essentially different questions. Respecting the former, the Imperial Parliament alone has authority to legislate; respecting the latter, the local Legislature is expressly authorised by the Imperial Constitutional Act to legislate at its discretion by "varying or repealing" the Clergy reservation and appropriation clauses of the 31st Geo. III. ch. 31. The Imperial Parliament has never been applied to, to legislate on the former question. Hundreds who believe that the Church of England is the Established Church in this Province, and who have no desire to interfere with it in that respect, are opposed to the dominancy with which landed endowments and rectory jurisdiction would invest it. Hence the falsity and injustice of those statements of high Church partizans, that the advocacy of the educational appropriation of the Reserves is uprooting the Established Church.

2. Neither does the proposition under consideration affect the Constitution of the Province in the remotest degree, even if it were admitted that the Church of England *establishment* formed a part of that Constitution, as it has no relation to the *establishment* of the Church. It is one thing to *establish* a company by charter; it is another thing to *endow* it. The present controversy relates entirely to *endowments*. How unfair then, how untrue, how scandalous has been the system of warfare which has represented and denounced all persons as republicans and enemies of the Constitution of the land who are opposed to the endowment of the Episcopal Church! Such impugnors have much to answer for to their Maker, and to the public, for their years of false witness and disgraceful calumnies against their neighbours.

3. Nor does this proposition interfere in any way whatever with any grants which the Imperial Parliament may think proper to make to the Clergy of the Established Churches of Great Britain and Ireland out of Imperial funds. The established churches of the mother country have peculiar claims upon no other body than the Parliament of the mother country. The Constitutional Act authorises the local Legislature to legislate at its discretion, and in the same manner in respect to the Church of England as it does in respect to any other Church. The only restriction and condition in all such cases is, that the Royal assent cannot be given to a bill until after it

has laid on the tables of the two Houses of Parliament for thirty days. A bill on any such subject may also be defeated by an address to the Sovereign from either House of the British Parliament. (a)

4. But this proposition does involve the operations of the voluntary system as far as local legislation is concerned, except in the mode of applying the proceeds of the Reserves through denominational agencies in the way mentioned in the preceding letter, according to which the equal rights and wishes "upon equal conditions" of all denominations may be secured, and the voluntary system remain uninfinged, or rather made

(a) The following is the 42nd clause of the Constitutional Act, 31st Geo. III. ch 31, and proves beyond a doubt the ample powers of the local Legislature to legislate on every subject having the remotest connexion with the Clergy Reserve Question:

"42. Provided nevertheless, and be it further enacted by the authority aforesaid, That whenever any act or acts shall be passed by the legislative council and assembly of either of the said provinces, containing any provisions to *vary or repeal* the above recited *declaration and provisions* contained in the said act passed in the fourteenth year of the reign of his present Majesty; or to *vary or repeal* the above recited *provision* contained in his Majesty's royal instructions, given on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to the said Guy Carleton, esquire, now lord Dorchester; or to *vary or repeal* the provisions hereinbefore contained for continuing the force and effect of the said declaration and provisions; or to *vary or repeal* any of the *several provisions* hereinbefore contained *respecting the allotment and appropriation of lands for the support of a protestant clergy within the said provinces; or respecting the constituting, erecting, or endowing parsonages or rectories within the said provinces; or respecting the presentation of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same*: and also that whenever any act or acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications, in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights hereinbefore mentioned; or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the church of England, amongst the ministers and members thereof within the said provinces; or shall in any manner relate to or affect the King's prerogative touching the granting of waste lands of the crown within the said provinces; every such act or acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both houses of parliament in Great Britain; and that it shall not be lawful for his Majesty, his heirs or successors, to signify his or their assent to any such act or acts, until thirty days after the same shall have been laid before the said houses, or to assent to any such act or acts, in case either house of parliament shall, within the said thirty days, address his Majesty, his heirs or successors, to withhold his or their assent from such act or acts; and that no such act shall be valid or effectual to any of the said purposes, within either of the said provinces, unless the legislative council and assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the governor, lieutenant governor, or person administering the government of such province, an address or addresses, specifying that such act contains provisions for some of the said purposes hereinbefore specially described, and desiring that, in order to give effect to the same, such act should be transmitted to England without delay, for the purpose of being laid before parliament, previous to the signification of his Majesty's assent thereto."

the basis of sectional appropriations, and education connected with religion according to the option of each denomination be promoted. My business, however, in the present letters, is not with the details of the mode of appropriating the Reserves, but the principles of justice and equal rights upon which it must be based.

Then as to the voluntary system, on which such fierce attacks have been made, and by opposition to which I shall be met at this stage of the argument,—I beg to remark, that whether we think it best or not, it is the only hope of this Province, and that for three reasons: 1. It is the only system that ever has succeeded, or been long sustained in a country divided as this Province is in regard to religious opinions. Every modification of the state appropriation and taxation system has been tried in succession in the old New England States, *where a majority of the inhabitants were actually in favor of legislative appropriations for clerical support*; and each successive experiment has failed and been abandoned. 2. The proceeds of the Reserves will not form a fund any thing like sufficient to support the entire Clergy of the Province, even if the inhabitants were in favor of that application of them. 3. The inhabitants have been nurtured in this Province under the voluntary system, but for the operations of which they would have been semi-barbarians. It is only about nine or ten years since the proceeds of the Clergy Reserves more than defrayed the expense of management; and it is only since that time that clerical grants have been made out of other provincial funds—and those grants have not in any way superseded the voluntary system. The Episcopal Clergy have been supported by a voluntary Society in England, aided by Imperial Parliamentary grants. The limited extent to which the Province has felt or been benefited by that kind of agency, has been seen in a former part of this discussion. In a Pamphlet addressed to the inhabitants of England in 1827 in behalf of Religion and Literature in Upper Canada, the Archdeacon of York says—“Nothing can be more manifest than that Upper Canada has not yet felt the advantage of a religious establishment.” And have the odious assumptions and exclusive spirit of the Episcopal Clergy since 1827 favorably impressed the people of Upper Canada in regard to “a religious establish-

ment?" If, then, the feelings and prejudices (if you choose to call them so) of the inhabitants of the Province are in favour of the voluntary system, it is not their fault, but the fault of the British Government and the Episcopal Clergy themselves. If the British Government did not wish the voluntary system to obtain footing in Canada, it ought to have anticipated it by providing that a state-paid Clergy should accompany the influx of emigration into each new settlement of the Province. If the Episcopal Clergy so strongly deprecate the evils of the voluntary system, why did they leave the scattered inhabitants to its "eleemosynary precariousness" until *gain* could be made of the godliness of warring against it? Why did they not follow the loyalists and emigrants into the wilderness, and suffer with them in their privations, and administer to them the instructions and consolations of religion in their lonely cottages? Then, indeed, their works of faith and labours of love would have been blended with the earliest associations of the settlers; and then they might have set up some claim to the proceeds of the industry and labours of the entire population. How is it that dormant Episcopal zeal was never waked up to the religious and moral destitution of the country until the Clergy Reserves began to be productive? How is it that their present zeal for proselyting from other religious communions, when the Reserves are in danger, far exceeds their former zeal in seeking the souls of scattered settlers when *they* were in danger of "perishing for lack of knowledge?"

I know, Sir, that these questions are unpleasant, and by some will be pronounced uncharitable; but as offensive as they may be, they involve *truths* too important and practical to be suppressed in the present discussion. And permit me to ask, in view of these facts, if it is decent for any representative of an *Upper Canada* constituency to denounce the voluntary system? To do so, is equivalent to telling the people of this Province, that the parsimony and infidelity of the English Government—whose generosity and honor have been their boast—have robbed them of the religious inheritance of Britons up to the present time! How can the voluntary system be otherwise than endeared to and associated with all the religious feelings of nine-tenths of the inhabitants—both British emigrants and natives of the Province—since they are entirely

indebted to its operations for their "lively hopes of immortality and eternal life," while the compulsory system would have left them and their offspring in a cheerless state of moral destitution? And is a system now to be forced upon the country from which it has derived nothing but discord and contention? Is the reason, and feeling, and wishes of the inhabitants—the long-listed-up voice of the Province—to fall in prostrate silence before the theoretical "conviction" of the Governor who has been but a few months in the country, and who is not—like the inhabitants of Upper Canada—personally involved in the consequences of his policy? Is a majority of the House of Assembly to be appointed to offices of honor or emolument, or both, since their election, and then the combined influence of Government and Government functionaries employed to make them disregard the settled and well-known wishes of their constituents? I trow not. But if so, and if the attempt be crowned with success, I have only to say, in the memorable words of Sir F. Head, "such a victory will ruin this Province."

And whence, Sir, this new-born and flaming zeal for an ample "provision by the state for the ministrations of religion?" Is not the mainspring of its movements a prudent foresight-care to provide a comfortable living in a respectable profession for the less promising sprigs of certain families?—sprigs that would not be likely to thrive in the soil of ordinary professions or mercantile enterprise, and whose constitutional speciality is not indigenious to trades or agriculture. How many zealous lay advocates of Clergy claims have also *relative* claims or hopes mingled with this question? Even the zealous *Alan Fairford* is preparing for a *rectorship*, and he would doubtless like to have a very snug endowment with it. But I will not multiply examples; nor would I intimate, nor do I believe, that all Episcopal advocates are influenced by such considerations. Nay, I believe that many who espouse the cause of Episcopal claims are influenced by pure and noble motives; but I know that some of the most prominent Episcopal zealots have deep interest at stake in more ways than one.

But to enter more fully into the general argument. 1. The voluntary system is the only one that can give any thing like general satisfaction to the inhabitants of this Province. The Journals of the House of Assembly afford abundant evidence,

that the great majority of the inhabitants are as much opposed to the application of the Reserves to several classes of Clergy as to one. The majority of the Clergy, and many members of certain Churches, may be favourable to such an arrangement; but I have reason to believe that a *majority* of the *members* of the Churches of England and Scotland, as well as of the other denominations, are in favour of having the Reserves applied to purposes of general benefit,—leaving each denomination to stand upon its own merits. Mr. Attorney General HAGERMAN, in the speech already quoted, was compelled to concede all that is involved in this argument. He says, “I am willing to admit that I do not consider it consistent with the interests of religion that its temporal possessions should be the cause of dissension and discord among any large portion of the community.” 2. It is the only system by which the Government can be invested with the continued confidence of the Province. It has gone forth for years throughout the length and breadth of the Province, and that upon the authority of successive ROYAL DESPATCHES, that the “prevailing feelings and wishes of the Canadians” shall be the rule of settling this question. Let that acknowledged maxim of constitutional government be sacrificed by official influence; let the repeated pledges of Royalty be violated, and what vestige of power has the Government in this Province but the bayonets of its soldiers and the private interest of office-holders? It cannot be otherwise than despised by its own supporters, and hated by the people at large. I am far from saying that rebellion and revolution will ensue, or that it will be justified; but I say the Government will be reduced to the alternative—to *govern a population without the hearts of that population*, which involves one of three things; first, the suppression of our free constitution, and governing by military power; or, secondly, the presence and influence of military forces and intimidations in various parts of the Province, in order to suppress the expression of public opinion—which is a military despotism under a constitutional form; or, thirdly, a continuance and increase of the same agitation and dissatisfaction which have characterised the government and legislation of this Province in past years. In each case, emigration to this Province is out of the

question ; and its various local interests will continue to decline. (b)

3. As the voluntary system is the only one that the state of society will admit of being established in this province in connexion with public happiness, just, safe, and free government, and general prosperity ; so it is the most efficient agency in promoting the great ends of religion in the country, and no evil consequences, either to the souls or bodies of men, will ensue from its adoption by all denominations. The limits to which I have restricted myself, will allow me to make little more than an allusion to a few of the many grounds on which this proposition may be established. It may be viewed in reference to the Clergy, and members of the Church and the community at large. In reference to the Clergy, I admit that their support may not be always sure, or even adequate ;—I admit that they may sometimes suffer want, on account of which their labours and usefulness may be circumscribed ;—I admit that their temporal circumstances are not in general so comfortable, and what is usually termed respectable, as when they derive their support from the State ;—I admit that they may sometimes be compelled to work with their hands in order to supply the lack of voluntary liberality on the part of others ; but each of these circumstances was associated with the respectable, the efficient, the divinely instituted ministry of the Apostles themselves. Any objection is infidel, and leads to infidel theory, that contradicts Scripture fact and Scripture example, however plausible it may appear. And let the question be asked, in the light of history, in which case the virtues, and graces, and labours, and success of the Christian Ministry have been more developed and conspicuous, when it was liable to the fluctuations of a

(b) The Rev. Dr. Matheson, of London, thus states the advantages which the American Government has derived, in its administration, from placing all denominations upon the same footing, and the advantages which they also enjoy in return:—"The great sensible benefit to all denominations is, that they are alike unknown to the Government. They may have differences within themselves, and unworthy jealousies of each other, but *these differences are not embittered by political strife*. None are liable, on following out their convictions of conscience towards God, to be thought less loyal to the Government than others. None are exalted, and therefore none are abased ; none have exclusive privileges, and, therefore, none can complain. The Government troubles none, and they bring no trouble on the Government. None by patronage are made haughty ; and none are made uneasy. The Government, in this particular, have understood their interests ; and by this means they have taken from their duties half their difficulty, and more than half their responsibility."—*Narrative of a Deputation Visit to the American Churches in 1834*. Vol. II. p. 81.

fluctuating world, like the common family of humanity, or when it was invested with the despotism of independence and the immutability of endowment? I will not stop to investigate the divine, the true philosophy of the answer to this question. let the history of the Church during the first three centuries, and then the next fifteen centuries—let the history of high Churchmen in England on the one side, and Non-conformists on the other, from the reign of Elizabeth to that of James II. inclusive—let the history of the Church of England at the time Wesley and Whitfield appeared (c)—let the history of voluntary Churches in England at this hour compared with endowed parish Churches—let the history of Methodism for the last century—let the former and present history of the United States (d)—let the history of this Province,—let each and all

(c) In connexion with the *Centenary* celebration of Wesleyan Methodism, the President of the British Conference has been requested to publish a History of Methodism in England. At a large public meeting held in Liverpool on the subject of the Centenary celebration, James Wood, Esquire, a wealthy manufacturer of Manchester, presided; and in the course of his opening speech, he made the following remark:—"The worthy President of the Conference, who was about to publish a book that would do honour to himself and service to the world, stated recently to him his full conviction, *that at no time since the Reformation was there so much darkness, and so much infidelity in England, as at the time the Wesleys were sent forth.*"

(d) The following curious facts relative to the ecclesiastical history of the United States, are highly interesting and important:

"In Virginia the Episcopal Church was established by law. The law was tried in both its forms; without the toleration, and afterwards with the toleration, of other sects. For nearly a century, it was the exclusive religion of the State; it was endowed, and all parties were compelled to contribute to its support. The consequence was any thing but what a good Episcopalian would desire. Unworthy and incompetent men, in search of respectability or emolument, made the church a prey. Having nothing to apprehend from the people, or the rivalry of sects, they became careless, and indolent, and frequently dissolute. The statements on this subject abound, and are most painful. The pastors generally neglected the people, and the people despised and forsook the pastors; so that the system was dead, even while it retained the visible forms of existence.

It was then tried with toleration. This alteration admitted the other sects to enter the State; and, without direct hindrance, to labour for the instruction and salvation of the people. The privileged clergy, however, despised their rivals: and as all sects were still taxed for their benefit, it concerned them little by what name they were called; and they continued to repose on their supplies, in indolence and security. If they slept, the oppressed sectaries did not sleep. Their efforts were not in vain: and these, with the reckless negligence of the endowed party, and the changes effected by the Revolution, prepared the State for an improved method.

It was felt that all could no longer be made to support one; and it was proposed that all should be assessed for the benefit of all the denominations. This, however, was declined; the Dissenting bodies protesting most nobly against any participation in the benefit of such a tax. Finding them firm in the rejection of all State allowance, an act was passed in 1775, to relieve them from all contributions towards the support of the established religion; and, eventually, the whole question was disposed of, and the whole country satisfied, by placing all denominations on one footing; by placing them only as civil corporations, and withholding all allowance.

As quickly after this as the circumstances would allow, the Episcopal church revived, and placed itself on equal terms with its competitors. To this time it has continued to ad-

these give the appropriate reply. And would not some of the most touching graces and most splendid examples of Christian piety, be blotted from the page of New Testament history, and the general history of the Church, had it not been for the mutual relation of spiritual dependence on the one hand and temporal dependence on the other, which subsisted between the labourers and the husbandry of the Christian Church?

vance. It has now fifty-five clergymen devoted to their work, who are superintending affectionate and thriving flocks: and it is spreading itself on every hand, having good report amongst the people.

That we may change the field of observation, let us pass into New England. Here, the church, or Standing Order, was founded on the principle of State interference. In Massachusetts, in 1631, the General Court passed a law that all should contribute in their parishes to uphold the Standing Order; and that none should be eligible for civil office, who were not in church membership. This was not only to make the people pay; but, having paid, it was to punish them by a Test Act, if they did not conform. This principle was afterwards modified, by allowing persons to divert their payment to some other body, on certifying that they belonged to it, still compelling them to pay to some religious society; and by the provisions of the Half-way Covenant. I think, so far as Massachusetts is concerned, I have shown how it affected the Congregational Order, by the corruption of doctrine; it may be proper to remark, that it extensively promoted the interests of sectarianism. Under the milder form of the compulsory payment, the worldly were obliged to pay equally with the religious; and as the worldly will always have the strongest objection to pure and undefiled religion, the chances are decidedly for error, and against truth. The worldly misbeliever, if compelled to pay either to Universalism or Calvinism, would prefer Universalism as a species of quietism; but if left to his choice to pay or not, he would say, 'I will pay to neither, for I love my money better than both.' Has the true church of Christ a right to compel such a man; and if it has, will any benefit accrue?

In Vermont and New Hampshire there were not only State enactments, but provisions of land in favour of the same and similar objects. Each township had an original grant of three hundred acres. This estate was to benefit equally four parties; the church—the school—the Society for Promoting Christian Knowledge—and the *first* minister. The first minister was deemed a proprietor; and he could will his portion away to his family or friends. It was, in fact, a bonus to induce a person to encounter the first difficulty of settling; and it usually attracted the least worthy to the spot. The one fourth originally meant for the permanent uses of the church, with its other privileges, remained, and the church languished in the midst of its indulgences. It is remarkable that 'the desolations' of these districts, which a Scotch writer has magnified, to illustrate the inefficiency of the voluntary principle, are the very desolations which were created by the compulsory and State methods on which I am animadverting.

The changes which have taken place have been various and gradual, but they were all in favour of the voluntary principle; and in the year 1833, only two years since, the last fragments of the compulsory and endowed system were demolished by the power of improved opinion and religious principle. This was done in Connecticut about fifteen years since, and in Vermont and New Hampshire about the same time. It was in Massachusetts it lingered till 1833; and, by a striking coincidence with what is now happening in our own country, it was upheld to the last by Unitarianism. That you may be assisted to a correct opinion on this material subject, I will supply you, in the Appendix, with some extracts from the laws as they existed, were varied, and do now exist.

The voluntary principle, then, is the only one now for the support of these churches. It has been tried in some states to the exclusion of every other; it has been tried in other states, for different periods of time, where every other has failed; and what is the result? Deliberately, but without hesitation, I say, *the result is in every thing and every where most favourable to the voluntary, and against the compulsory principle.*"—(*Narrative of the Visit to the American Churches by the Deputation from the Congregational Union of England and Wales. By Andrew Reed, D. D., and James Matheson, D. D. 1834. Vol. II. pp. 95-98.*)

And when has the "word of God had free course and been glorified" more rapidly and extensively, than when it has been free from state legislation? I do not say that the endowment of the Priesthood by the State is unscriptural and anti-christian—I do not say that it has been productive of greater evil or good in the Mother Country, and may be desirable and important there on many accounts. (e) I have no desire to discuss those questions—I have nothing to do with them in the present discussion; but I do contend that priestly endowments by the State in this Province are not merely attended with the difficulties heretofore mentioned, but may be safely and wisely dispensed with. Hear the language of profound learning, gigantic intellect, long and practical experience, from the lips of even a high Churchman, and immediately after he had made a tour of England and Europe—the late BISHOP HOBART, of New York :

"It is the *religious freedom* of my country that constitutes, in my view, one of her proudest boasts. Protected as religion is by the state, which finds, in her precepts and spirit and sanctions, the best security for social happiness and order, she is left free to exert her legitimate powers, uninfluenced and unrestrained by any worldly authority whatsoever. And the happy effect is seen in the zeal with which her institutions are supported, as far as the ability of an infant country, and a spreading, and in many cases sparse and humble population, will admit; in the prevalence of those moral and social virtues that are among her best fruits; and above all, in less, much less of that hostility to her divine origin and character, which, in other countries, her unhallowed pervers-

(e) An American Episcopal Clergyman, one of the Editors of the *Philadelphia Episcopal Recorder*, while on a visit to England last year, gives the following candid expression of his opinions, in a letter dated London, June 7th, 1838 :

"I will no longer detain you with the speeches or scenes of Monday the 7th, but introduce you at once to the animated meeting of Tuesday the 8th. This meeting was the Anniversary of the CHURCH PASTORAL AID SOCIETY, and of course confined to the members and friends of the establishment. It was, however, a large meeting, and one of a most animated character. Lord Ashley presided. The report was full of interesting facts. The impression, however, forced upon my mind by the developements that were made on this occasion, and by other statements which I had heard from the most credible sources, was, that although the theory of an establishment may be made very plausible in reference to its power of spreading over every portion of territory in any country, yet in fact this theory is not realized, or at all carried out in England. They cannot get along here without the voluntary principle. And although it is the fashion to decry *voluntaryism*—to borrow a word from the vocabulary of Dr. Chalmers—yet to evangelize the world—to carry on the great plan of Christian benevolence, and to supply even England with the ministrations of the Established Church, the voluntary principle has to be appealed to in Exeter Hall from the beginning to the end of May. Notwithstanding these remarks, my firm conviction is, that the destruction of the establishment in this country would be an immense evil, an immeasurable evil. It is a thing to which men's minds have become so accustomed, and with which their feelings and views have become so interwoven, that to them it seems essential to their national existence."

sion to political purposes inspires and cherishes. The continent of Europe witnesses the arm of secular and ecclesiastical power exerted, in some parts, in the extension and restoration, in all its rigour, of a religion which alloys and contaminates the pure spirit of the Gospel by numerous superstitions and corruptions.

“Common opinion often identifies our church not merely in the cardinal points of faith, of ministry, and of worship, in which we are proud thus to be identified, with the church of England, but in the organization which results from her connexion with the state. This erroneous view of our church has subjected her at various places, and at different times, to an odium which, preventing a dispassionate examination of her real character, of her Apostolic and primitive claims, has seriously retarded her progress. It has been insinuated, if not openly asserted, that we secretly desired the establishment, the honours, and the wealth of the church of England. God forbid, (I speak reverently and most seriously) that we should ever have them. It may be doubted whether in their present operation they are a blessing to the Church of England. They weigh down her Apostolic principles; they obstruct the exercise of her legitimate powers; they subject her to worldly policy; they infect her with worldly views. It would be impossible to sever the church from the state without a convulsion which would uproot both, and thus destroy the fairest fabric of social and religious happiness in the European world. But many of the abuses to which secular interests and views have subjected the Church of England, and many even of the original defects of the constitution, might be, and may we not hope will be, corrected and remedied by the gradual but powerful influence of *public opinion*. And it therefore is a high act of duty and of friendship to that church, to direct the public attention to those abuses and defects. For if the Church of England were displayed in her evangelical and apostolic character, purified and reformed from many abuses which have gradually but seriously diminished her influence; greater would be the blessings she would diffuse; more limited and less inveterate the dissent from her, and more devoted the grateful attachment of her members. We want not, therefore, the wealth, the honors, or the establishment of the Church of England. With the union of church and state commenced the corruptions of Christianity. And so firmly persuaded am I of the deleterious effects of this union, that if I must choose the one or the other, I would take the persecution of the state rather than her favour, her frowns rather than her smiles, ner repulses rather than her embraces. It is the eminent privilege of our church, that, evangelical in her doctrines and her worship, and apostolic in her ministry, she stands as the primitive church did, before the first Christian Emperor loaded her with the honours which proved more injurious than the relentless persecution of his imperial predecessors. In this enviable land of religious freedom, our church, in common with every other religious denomination, asks nothing from the state but that which she does not fear will ever be denied her—protection, equal and impartial protection.”

Hear likewise the testimony of *Presbyterian* learning and experience, from one of the ablest publications in the United States—" *The Presbyterian*," published at Philadelphia :

"As Presbyterians, we entertain an unconquerable repugnance to national Church establishments. Were our own Church proposed to such an alliance with the state, and were it offered all the rights and immunities of a national establishment, we should resist the connexion as a pestilence, and regard the temporal distinction as dearly purchased by the loss of spiritual character, which the Church would necessarily suffer. While, however, we thus deprecate, in common, we believe, with every Presbyterian in the land, such intimate and ill-assorted fellowship, we maintain, that however religion may be able to maintain itself without direct support from the state, the state on the contrary can never prosper without the aid of religion. It will ever remain an undoubted truth, 'that righteousness exalleth a nation, while sin is a reproach to any people.' To set the matter in a just light, and in few words, we copy the following remarks from an article in one of the secular prints :

"In a republic, where men are to be governed by *principles* and not by *force*, all laws must have *religion for their basis*. *Political experience and moral rectitude* can never be severed without weakening the force of law. The Christian religion, in New England, was made the basis of all the laws and institutions to which we are indebted for civil and political rights.

"In this country, where there are no distinctions of rank, no hereditary privileges, no ecclesiastical power, except what results from respect for talents and virtues, no union of Church and State can ever be formed, which shall subject us to any intolerance. But there ought to be a perfect union of the civil and ecclesiastical powers, in support of the laws and institutions. The prohibition of the clergy from the superintendence of seminaries of learning, and the attempts to prevent their exercising the political rights enjoyed by other citizens, are acts of downright despotism. They are intolerance of the worst species. The prejudices to which this exclusion is owing, have been adopted from the examples of European countries; but in this country, they should have no existence. It is an indubitable truth, a truth that all experience confirms, that those portions of this country, in which respect for religion and its institutions, and for its ministers, has been most effectually maintained, are most distinguished for good order, for morals and industry; for whatever constitutes private worth or public peace and security. The man who denounces all religion as superstition, who undermines the Christian religion by propagating infidelity, who persuades our citizens that men can govern themselves by reason alone, is the worst enemy of our republican government."

The Rev. Dr. MATHESON, of London, who travelled extensively through the United States in 1834, makes the following corroborative and important statement :

"After having invited the most candid opinion on the subject; after

having sincerely sought for the truth, whether favourable or unfavourable to the voluntary system ; and after having sought this in every quarter, and chiefly where state provisions had been enjoyed ; I certainly did not find half a dozen men who would give their suffrages for the old method ! The ministers, as a body, who might be supposed to have professionally strong preferences to a fixed and compulsory stipend, were united in their attachment to the voluntary principle. The brethren in Massachusetts, where the change had been so recently completed, rejoiced in it, and anticipated from it a decided advance in pure religion. Those of New Hampshire, Vermont, and Maine, with whom we had an opportunity of meeting and conferring, were unanimous in the same judgment, and referred gratefully the renovated state of their Churches and of the Ministry to its benign influence. The brethren of Connecticut, whom we met in large numbers, decidedly concurred in the same opinion. The Episcopalian of Virginia, and the Congregationalist of New England, who had been indulged and protected to the utmost, were equally in favour of the new principle. Men of every denomination, the Methodist, the Baptist, the Presbyterian, the Reformed, the Lutheran, the Churchman, and the Independent, all deprecate state interference and state allowance. Men of every region, the East, the West, the North, the South, and who are most deeply concerned for the interests of religion, agree in coming to the same conclusion. Indeed, such unanimity of opinion on a practical question, involving the interests of so many parties, and to be determined mostly by those whose habits and thoughts had been associated only with the old system, is what I never expected to find. It assured me of at least two things. 1. That the evil of this system must have been great, indeed, and visible to all. And 2. That these devoted men had wisdom enough and piety enough at once to resolve, that what was injurious to religion, could not be beneficial to them."—*Narrative, &c., Vol. II. pp. 99, 100.*

To these testimonies allow me to add FACTS—facts collected from the field of experience as exhibited at the present time in Great Britain and the United States,—notwithstanding the agitations connected with the government of a republic are confessedly less favourable to the interests of religion than the quiet steadiness of a monarchy. My authorities for these facts are the reports of select committees of the House of Commons, of the Church of England Pastoral Aid Society, and of other benevolent Societies in London on the one side, and statistical reports of a similar character in the United States on the other ; and in reference to both sides of the Atlantic, I only include Episcopalians, Presbyterians, Baptists, Congregationalists, Methodists, Dutch Reformed, and Lutherans. In the United States all denominations are in the habit of making and publishing annual returns of the names of their ministers, the numbers of their

churches, congregations, communicants, &c. ; it is the interest of each body to see that no other body is allowed, at its expense, to pass with exaggerated numbers. For the general accuracy of these statistical returns we have, therefore, the mutual watchfulness as well as integrity of the religious denominations referred to. In London there is a *Statistical Society* established for the express purpose of procuring and publishing information such as that to which I shall now invite attention. In reference to the following statistics, I beg also to remark, that in London and in the principal towns of England there are many *voluntary Episcopalian churches*—churches built by voluntary contribution, and occupied by clergymen who are supported in the same way. It is over the congregations of these churches that many of the most distinguished, pious, and popular clergymen of the Church of England are the pastors, and it is in these voluntary churches that they stately preach to listening multitudes. I need scarcely mention among this class of clergymen the names of Henry Melvill, Baptist Noel, Thomas Dale, William Marsh, of Birmingham, Hugh Stowell, of Manchester, Hugh McNeill, of Liverpool, &c. &c. And amongst the most pious and amiable men with whom it has ever been my privilege to become acquainted, are clergymen and members of these voluntary Episcopalian churches—supporters of the establishment, but practical illustrations of the voluntary principle. Would to God the world were filled with such ministers and people ! (f)

(f) A Correspondent of the *Quebec Gazette* concludes a communication to the Editor of that paper with the following forcible remarks and statements :

“ It doesn't follow that I must hate the voluntary system because I am a member of the Church of England. In fact I don't see how a real Christian, or even a benevolent man, can speak lightly of it, if he will but observe what it's doing for the cause of truth. It has raised I don't know how many thousands of pounds for the British and Foreign, and for the Naval and Military, Bible Societies, and more than 70,000*l.* a year for the Church Missionary Society, besides upwards of 150,000*l.* for other Missionary Societies. It is the voluntary system that has built many of our new churches, and that supports some of our most useful men—the Noels and Mortimers of our church. In fact, it won't do for members of the Church of England to cry down the voluntary principle, for our best Bishops sanctioned it. One of the last acts of the Bishop of Calcutta, as Vicar of Islington, was to build a new church by subscriptions, where the gospel is faithfully preached, and the minister supported by the willing contributions of his people ; and *the system works well*. And if you want pictures instead of arguments, you may soon have a book full ; splendid mansions and loaded tables, compared with which Ahab Meldrum's, with all its embellishments, would be very insignificant : deserted churches upheld by state endowments, where error has driven the people to another sanctuary and another shepherd. And we must part, or I would give you as a specimen the parish of Turvey, where you'd see the people to whom Leigh Richmond's ministry was so useful, worshipping in a building of their own rearing, with the pastor of their own choice, and rejoicing that **THE VOLUNTARY PRINCIPLE WORKS WELL.**”

Let us begin with that part of London which is the seat of Royalty and Legislation—the CITY OF WESTMINSTER; and allowing Church accommodation for one half the population as the basis of supply, deducting the other half for small children, aged, and sick persons, servants, &c., detained at home. At the last census of Westminster, to which I have access, the population was 202,460. Established churches 22—sittings for 27,110; voluntary Episcopalian churches, 15—sittings for 12,658. Orthodox nonconformist churches, 32—sittings for 19,119. Hence in Royal Westminster itself, 42,343 (one fifth) of the population are wholly destitute of any place of worship. The enormous state endowments in that city provide religious instruction (such as it is from the lips and lives of some incumbents) for 54,220, while the precarious voluntary system provides for the religious instruction of 63,554. Yet the income from the State of the Dean and twelve Prebendaries, six minor canons, and nineteen clergymen, connected with the Westminster Cathedral itself, besides other established churches, is £19,000 sterling per annum.

Take again three parishes in the neighbourhood of Westminster—Marylebone, Paddington, and Pancras. The whole population is 240,294. In nineteen parish churches and chapels are 26,735 sittings; in voluntary Episcopalian churches are 16,952 sittings; in non-conformist orthodox chapels, 25,542 sittings; the total of which, allowing church-room for one half of the entire population to be considered sufficient, will supply a population of 118,458—leaving 121,836 souls destitute of any means of religious instruction—more than twice as great a moral destitution in three parishes in London itself as in all Upper Canada! So much for the *influence* of State endowments to the Episcopal Church. More than half the supply afforded to those endowed parishes themselves is, after all, furnished by voluntary effort.

The statistics of the *City of London* establish conclusions still more startling. But to state the whole in one word—a word that will not be questioned, and will more than establish the correctness of the above statistics,—the BISHOP OF LONDON states in his evidence before a select Committee of the House of Commons on Church extension, that “not one-tenth of the people are supplied with church-room in the places of his

DIocese." Other dioceses throughout the kingdom cannot be supposed to be better supplied than that of LONDON; and allowing the orthodox non-conformists to afford instruction for as large a portion of the population as the endowed establishment, *one-fifth* of the population of the kingdom would still be without any place of public worship!

In *The Church* newspaper of the 22nd of December, after referring to the Prescott brigands, the greater part of whom, it has been stated, have been brought up without religious instruction, the Editor says,—“ In good old christian England—with all its faults real and alleged—we question much if a gang of unbelieving desperadoes, equal in number to that which has already invaded our soil, could be found. *The means of religious instruction are there widely and universally diffused*, moral sanctions and duties are held in general respect.” Perhaps there are few men living who have a higher opinion of England and her greatness than I have; but I will not shut my eyes against facts for the sake of party, or interest, or partiality. How does the statement of the Editor of *The Church* appear in the face of the above statistics and the evidence of the Bishop of London? How does his statement compare with the news by the last arrivals from England, that the southern parts of LINCOLNSHIRE are so infested with banditti of robbers that it is dangerous to travel after night? How does his statement agree with the following from the pen of the reverend Richard Watson, published in his *Life*, page 85 :—“ but for the efforts of dissenters, the lowest classes in the manufacturing districts would be sunk into intellectual and religious barbarism?” How does *The Church's* statement appear in connexion with the following statements of the Rev. HUGH STOWELL, a celebrated clergyman in Manchester, in his published Sermon before the Church Pastoral Aid Society in London, 1836? Mr. Stowell says :—

“ It is a fact fully ascertained, that there are numbers in our manufacturing districts who have never crossed the threshold of a place of worship, who have never been baptized into the faith of Christ, who have consequently no pretension to the very name of Christian, and who are absolutely and emphatically *God-less*, though comprehended in the bosom of a land that glories in her Sabbaths and her sanctuaries, and to whom the eyes of all nations are directed as the light of the world.—The truth is, that the multitude of our labouring classes and our poor, have

so utterly estranged from all reverence for the Sabbath, and all inclination for the sanctuary, that the mere contiguity of the ordinances of religion would affect them but feebly; they will not of their own accord come to the Gospel—the Gospel must therefore follow them into their retirements and into their recesses.”

Such are the facts as they at this hour exist in England under the operations, for hundreds of years, of a richly endowed Church!

This subject has no connexion with forms of Government: and let us so far divest our minds of prejudice as to compare the efficiency of the voluntary and compulsory systems—in England where the latter has been in operation for centuries, and in the United States where the former has had “free course” little more than fifty years. It will be denied by none, that in learning, talent, and piety, the Episcopal, the Presbyterian, the Baptist, and Methodist Clergy in America, will compare, as practical men, with those classes of Clergy in any part of the world. Indeed, I believe such a being as an unpreaching, fox-hunting, tippling Clergyman does not exist in the Protestant Episcopal Church in America; nor would an immoral Clergyman of any of the above classes be knowingly tolerated. The population of the United States is 13,000,000; churches, 12,580; ministers, 11,450; communicants, 1,550,890—an average of one orthodox minister and one orthodox church for every thousand persons, and one *ninth* of the population communicants of orthodox Protestant denominations. A better supply than is furnished in Scotland itself, the establishment of which is probably the least exceptionable in the world, and where, as Dr. George Campbell observes, “the distinction between civil rights and civil authority and those which are purely moral and religious, has been better preserved than perhaps in any other country.” (g)

Let us take a few of the States separately. To begin with the principal and oldest New-England States. MASSACHUSETTS has—

Population,	600,408	Ministers,	550
Communicants, ..	73,264	Churches,	600

NEW YORK State,—whose rapid advancement has greatly increased the difficulty of a proportionate immediate supply, has

Population,	1,918,608		Ministers,	1,750
Communicants, ..	184,583		Churches,	1,800

About on a par with highly-privileged Scotland in her religious means, which stands thus :

Population,	2,365,807		Ministers,	1,765
Communicants, (not known)			Churches,	1,804

In the State of PENNSYLVANIA—twice as large as Scotland, the middle section of it, and nearly one half its area, mountainous, and much retarded in the march of improvement by the prejudices of a numerous German population, we have the following results of the voluntary system :

Population,	1,347,672		Ministers,	1,095
Communicants, .	179,904		Churches,	1,633

That is, one place of worship for every 830 souls ; one minister to every 1200 souls ; and one seventh of the population communicants.

The State of OHIO—which in little more than forty years has advanced in population from 500 to 937,903, scattered over a surface of 40,000 square miles, nearly the size of England and Wales,—with all these disadvantages—exhibits the following result of the working of the voluntary system :

Population,	937,903		Ministers,	750
Communicants, . . .	76,460		Churches,	802

In the youngest States of America, Kentucky, Tennessee, Indiana, Illinois, Alabama, Mississippi, Missouri, Louisiana, and Florida, spreading over a surface of 480,670 square miles, about nine times the size of England and Wales, there is a population of 3,641,000 ; churches, 3,701 ; ministers, 2,490 ; communicants, 286,560—one to twelve communicants, one church to every thousand persons, and one minister to every 1500—the fruits of the voluntary system in a country of yesterday. How long would it have taken the compulsory system to have accomplished so much ?

Let us now compare some of the principal towns of Great Britain and the United States. LIVERPOOL has—

Population,	210,000		Ministers,	57
Communicants, . . .	18,000		Churches,	57

GLASGOW has—

Population,	229,000	Ministers,	76
Communicants, (not known)		Churches,	74

NEW YORK, the counter part of Liverpool and Glasgow, has

Population,	220,000	Ministers,	142
Communicants,	31,337	Churches,	132

EDINBURGH has—

Population,	150,000	Ministers,	70
Communicants, (not known)		Churches,	65

PHILADELPHIA has—

Population,	200,000	Ministers,	170
Communicants, (not known)		Churches,	83

NOTTINGHAM has—

Population,	50,000	Ministers,	23
Communicants,	4,864	Churches,	23

CINCINNATI (a town forty years old) has—

Population,	30,000	Ministers,	20
Communicants,	8,555	Churches,	21

And PITTSBURGH—a manufacturing town of yesterday—has, population, 25,000; 26 orthodox Protestant churches, the least of which will seat 500 persons, and the largest about 1500; the whole will seat 22,568; average attendance at worship, 13,080; communicants, 7,095.

I confess, Sir, that these curious inquiries have filled my own mind with astonishment; as they will probably surprise many others. I have undertaken and pursued them with a determination to ascertain, and then state the truth. I cannot attest the minute accuracy of every statement; but I can say that I have collated a number of undisputed returns: and lest I should by possibility overstate the facts in any instance, I have, in all cases where I entertained any doubt, set down the figures considerably lower than those of the reports from which I derived them. And be it remembered, that I have included none but those Protestant denominations who hold and preach the great peculiarities of the Gospel system. As the ancient Romans acquired and adopted much that was useful from their enemies,—even their conquered enemies;—so may we derive important practical lessons from a powerful neighbouring rival. Such a

course will, in my opinion, evince more intelligence and nobleness of mind, and be productive of much greater public advantage, than in creating a thriftless jealousy and anti-commercial rancour by appeals to popular ignorance.

I will now for a moment advert to the operation of the voluntary system upon the Episcopal Church itself in the United States. This is indeed a matter of minor importance: it ought not to be even a matter of grave inquiry by an enlightened and impartial government, whether its subjects are Episcopalians, Presbyterians, Congregationalists, Baptists, or Methodists, &c.; much less ought it to be a matter of patronage and legislation to elevate or depress, or interfere with, any branch of the Christian Church in the race of benevolent emulation and religious enterprise. The opposite of this self-evident axiom is the evil genius of Upper Canada. May it be speedily banished from our clime! But has the Episcopal Church become extinct in the United States, and are her clergy less learned, respected and useful, than where and when they are endowed by the state? It is true that such characters as idlers, card-players, simpletons, &c. &c. find the priest's office there no place for them; but is the ministry weakened or invigorated on that account? And do not the accessions and exertions to which the operating principle of *merit* gives birth, more than compensate for the loss of such a pruning and discrimination? The exclusiveness of a portion of the Episcopal Clergy in the United States is unfavourable to the general popularity and success of that Church. Yet it is not without success, much more extensive and beneficial than it can boast of in this Province, with all the favours which have been bestowed upon it. To begin with New York, in the city of which, it must however be confessed, there is a large endowment—the fruits of an old colonial grant. The proceeds of that endowment I believe are judiciously applied; but it must also be recollected that the City of New York, with all its vast Episcopal endowments, is not before neighbouring unendowed cities in religion and morals—nay, is the strong-hold of infidelity in America; although it only bears about the same proportion to New York as Carlisle's shop and the Rotunda do to London. But in the State of New York there are 224 Episcopal Clergymen—one to every 9000 of the entire population. In Pennsylvania there

are 95 Episcopal Clergymen—one to every 15,000 of the population. In New Jersey there are 32 Episcopal Clergymen—one to every 10,000 of the population. In Maryland there are 67 Episcopal Clergymen—one to every 7000 of the population. In old Congregational Massachusetts there are 53 Episcopal Clergymen—one to every 11,000 of the population. In little Rhode Island there are 20 Episcopal Clergymen—one to every 5000 of the population. In old "blue" Connecticut itself, there are 71 Episcopal Clergymen—one to every 4,296 of the population. And the progress of the Episcopal Church is onward at an increasingly rapid pace. The report of the "*Society of the Protestant Episcopal Church for the Advancement of Christianity in Pennsylvania,*" published a few weeks since, states that "in 1812 there were but 20 organized parishes in that state; now there are 99,"—a greater increase than in Upper Canada, and without charge to the state, or trouble to the government, or political strife amongst the people. The *Gambier* (Episcopal) *Observer* says—"We invite attention to the comparative state of the church of MICHIGAN in 1836 and 1838. In 1836, Michigan proper was without a bishop, and had *five* clergymen, and about as many feeble parishes. In 1838, it has, besides its bishop, *twenty* clergymen, and a greatly increased numerical strength both as to parishes and communicants. The number of parishes formed is about thirty. Such has been the blessing of God upon the parochial as well as the diocesan ministry of Dr. McCoskry, that we are informed about *two hundred* communicants have been added to his Church in Detroit since his official connection with that parish as its Rector, and with the Diocese of Michigan as its Bishop." And in illustration of the manner and spirit in which the Episcopal Church is advancing at this time in the Western Diocese of the neighbouring State of New York, I give the following extracts from a communication in the Philadelphia Episcopal Recorder of the 9th of the present month :

To the Editors of the Episcopal Recorder.

WESTERN NEW YORK.

"BRETHREN,—I cheerfully comply with your request to furnish from time to time, such information "in relation to the state of the Church and the interest of religion" in the diocese of Western New York as may be acceptable to your readers.

The progress of the Church in this part of the state, its present position, and its future prospects are such as to render it in a high degree interesting to the Church at large. By the good grace and providence of God it has increased steadily and rapidly, notwithstanding the many obstacles and prejudices which have heretofore impeded its onward progress. Along with this increase of outward strength, there has been, as we believe, a more than correspondent advancement of evangelical religion among her ministers and members. At this time God seems to set a wide and open door for her to glorify his holy name, in the conversion of sinners and in the dissemination of "the truth as it is in Jesus."

To evidence the rapid growth of the Church in this portion of the state, I will mention three important parishes that have been organized during the past summer and are now in a prosperous condition. At Utica, a new parish by the name of Grace Church has been organized; and, though Trinity Church is as full as at any former period, and has besides a chapel and Sunday school in connexion with it, this infant church is in successful operation, and its future prospects are encouraging; it is at present under the pastoral care of the Rev. J. C. Rudd, D. D. At Lyons, the county town of Wayne county, a church has been organized under the pastoral care of the Rev. Samuel Cooke, deacon, under the most favourable circumstances. The court-house in which services are for the present held, is thronged with attentive hearers; and, though the number of communicants is small, we may humbly hope that a blessing will rest upon the faithful preaching of its pastor. It is an interesting circumstance in the condition of this parish, that in it many now hear the Gospel of pardon and salvation proclaimed to them, who before seldom attended upon the services of the sanctuary. Another pleasant feature in its condition is that the utmost friendliness exists between it, and the other denominations of Christians in the place, affording a pleasing exemplification of the Spirit inculcated by the Pastoral Letter of the House of Bishops. Subscriptions for a Gothic stone church have been raised, a lot purchased, and preparations made for building it in the spring. The estimated expense of the building is about \$8000. At Brockport, Monroe county, a flourishing village, a parish has also been organized under the most flattering auspices. A large and commodious stone church, belonging formerly to the Baptist denomination of the place, has been secured, on favourable terms, and a flourishing congregation under the charge of the Rev. Sapping R. Chipman, deacon, permanently established.

Other parishes are giving evidences of prosperity and increase. St. Michael's church, Genesee, Livingston county, has secured the services of the Rev. Lloyd Windsor, who has just entered upon his duties in that parish. St. Luke's church, Rochester, continues to experience in an eminent degree the blessing of God upon the abundant labours of its faithful rector. It is in contemplation to establish a chapel in the spring, in connection with the church, or as an offset from it, under the charge of another clergyman. The parish of Trinity church, Buffalo, under the pastoral care of the Rev. C. S. Hawks, is in a flourishing condition. Their church edifice—a large Gothic one—is now in the course of erec-

tion. A delightful state of harmony exists between this parish and that of St. Paul's church, under the charge of the Rev. William Shelton. D. D. Trinity church, Geneva, has richly experienced the blessing of God upon the faithful services of its rector the Rev. P. P. Irving. Many souls have been converted unto Christ and large accessions to the communion of the church been made under his ministry. The parish is in a high degree prosperous, and we understand that it is in contemplation to erect a new and larger building. As this beautiful village is to be the place of residence of the Bishop of the diocese (as we understand) and the place where many of our conventions will probably be held, such a measure would doubtless be gratifying to the friends of the church throughout the diocese."

In connexion with these facts, it is important to note the decidedly religious character with which education in the United States is to a very great degree invested, not merely by the numerous Academies under the patronage and direction of various religious denominations, but from the religious superintendence of the great majority of the Universities and Colleges. We find *twenty-one* THEOLOGICAL Institutions; of which 2 are Protestant Episcopalian—4 Congregational—3 Baptist—5 Dutch Reform and Lutheran—7 Presbyterian. (b) Of UNIVERSITIES AND COLLEGES, besides a few which are not under the exclusive controul of any one denomination, there are *ten* Protestant Episcopalian Colleges—5 Baptist—7 Congregational—7 Methodist—27 Presbyterian Dutch Reform and Lutheran—thus practically recognizing and illustrating a concurrence with the beautiful remark of Sir James Graham, in his late Inaugural Speech as Lord Rector of Glasgow University—"Learning, without religion, is but as a sounding brass and a tinkling cymbal—a compass without its polarity—a watch without its regulator—a steam-engine without its safety valve."

I will now take a brief comparative view of the state of education amongst the common and poorer classes of Society

(b) There is a very intimate connexion in the United States between the Presbyterians and the Congregationalists. The Rev. Dr. Matheson, one of the Congregational Deputation from England to the American Churches in 1834, says—"They have each, indeed, 'a local habitation and a name;' the Presbyterian denomination having its strong hold in the middle states, and the Congregational being established in the six states of New England. The common understanding is, that on passing the geographical line which divides these states, the party shall so far yield his distinctive opinions on church government as to unite with the prevailing profession, and he is passed from the one church to the other by the ordinary certificate. This compact includes ministers as well as the laity; and it is no uncommon thing to find the man who was a Congregational pastor to-day a Presbyterian to-morrow."—(*Narrative, &c.*, Vol. II. p. 60.)

under an endowed priesthood and a voluntary working ministry. The attention of an enlightened Government ought to be primarily and chiefly directed to providing education for the labouring and poorer classes of Society. The lavishing of large funds upon University endowments, while little or no provision is made for Academies and common schools, is a relic of the policy of the dark ages, when learning was monopolised by the priesthood and nobility, and when both united to keep the mass of the population in ignorance in order the more easily to degrade and enslave them for the interest and ambition of their deceivers and oppressors. It has been well observed, "that it is not in the refinements of philosophy, or in speculative science, that society is so much interested, as in the diffusion of *that common and useful knowledge which adapts itself to supply the wants, and ameliorate the condition of man.* Then only is it that one individual of a community becomes useful to another; and the whole derives energy and perfection by combinations of varied genius and united exertion. A very few philosophers are sufficient even for a refined nation; but if knowledge be prevented from spreading itself through the inferior ranks of society, disorganization, savage independence, and barbarian stupidity must be the inevitable consequences." (i) According to Governor Seward's Message to the Legislature, one fourth of the entire population of New York State is in attendance at schools endowed by the State. Now what is the educational condition of the "inferior ranks" of society in England after having enjoyed for hundreds of years what we are told is "the Church of the poor" and "the Clergy of the poor" supported "without the contributions of the poor?" I have before me an affecting and remarkable document. It is the "Report from the Select Committee of the House of Commons on Education of the poorer classes," presented at the last Session of the Imperial Parliament. This "Select Committee was appointed to consider the best means of providing useful education for the Children of the poorer Classes in large Towns throughout England and Wales and who were empowered to report the Minutes of Evidence taken before them together with their observations thereupon." I

(i) Rev. B. Watson's Sermon on the Evils of Ignorance.

have not space for the statistics of this Report—only a few of the results. The Report says—

“The district comprised in the five parishes of Westminster, [the seat of Legislation] situated along the Strand and around Charing cross, may be considered as holding a mean station between the more opulent parishes of the west and the poorer and more crowded parishes of the north-east and south-east of London. It appears, as a general result, that in these five parishes, some sort of daily instruction is afforded to about 1 in 14; and that afforded to one third the scholars is very indifferent.”—“Your Committee have examined evidence respecting the populous parish of Bethnal green, situated to the east of London; the population in 1831 was stated at 62,000, and must since have probably increased. It appears from the report of the Spitalfields School Society, and other evidence, that less than 3,000 children are educated. The Bethnal-green Committee state, ‘that after making allowance for such as must at all times be prevented from attending school, there are now at this moment from 8,000 to 10,000 children in Bethnal green alone, not only without daily instruction, but for whom no means of daily instruction are provided.’ They hold it to be an established fact, ‘that in that *one* parish, *thousands* are growing up uninstructed in their duty either to God or man.” “Average under school instruction, 1 in 27 of the population.”

The House of Commons Committee, after a laborious examination into the state of education in the principal provincial towns of Liverpool, Manchester, Leeds, York, Sheffield, Birmingham, Bristol, Brighton, Exeter, &c., give the result in an elaborate statistical table. I will only add the note which the Committee have attached to that table. It is as follows:—

“Note.—The general result of all these towns is, that about 1 in 12 receive some sort of daily instruction; but about *one* out of *twenty four* an education likely to be useful. In Leeds, only *one* to *forty one*; in Birmingham, *one* in *thirty eight*; in Manchester *one* in *thirty five*.”

The Committee also state that—

“There is an increase of criminals in 1837, as compared with 1836, of 2,638, and compared with an average of three years past, of 2,224. *Vide* tables from registers at Home Office, 1838.”

In the London Wesleyan *Watchman* of the 2nd January of the present year, the Editors likewise remark—

“It has been our painful task to trace the alarming growth of Infidelity among the labouring classes of our population.”

Such is the intellectual and moral condition of the “masses” in “good old christian England” herself, under the pastoral and benevolent watch-care of a munificently endowed clergy,

the gross annual income of whose Archbishops and Bishops, according to the "Report of the ecclesiastical Commissioners," is £181,631 sterling--net income, £161,292 sterling per annum. The NET *annual* income of the Clergy paid by the State, is (according to the same Report) £3,004,639; net *annual* income of Bishops and Clergy, £3,165,931, sterling, or \$14,026,400. And what instrumentality has, after all, been chiefly employed, in quickening the animated, the enlightened, and religious portion of these "masses?" I answer, the voluntary efforts of Dissenters and Methodists, and voluntary Clergymen, lately raised up and rapidly increasing in number. The exertions, the appeals, and the genial influence of the voluntary system, have roused the devotions and sympathies, and thawed the fountains of benevolent feelings amongst a very large portion of the middle and lower classes in England; here and there its rays have penetrated a noble mansion; but still, conspicuous and glorious as England now stands forth in the enterprises of piety and benevolence; diffusive over all lands as is the radiance of her religious charities; the chief part of the boundless resources, which God has placed at her disposal for the illumination and salvation of the world, are, up to this hour, latent and congealed in the coffers of her nobility, gentry, and merchants, under the freezing atmosphere of a mere political religion, endowed at the expense of the nation for their indulgence, and the benumbing influence of a lax and exclusive hierarchy. May the great deep of England's exhaustless fountains of benevolence be speedily broken up, and issue forth in streams of sanctified and effective charity to the perishing myriads of her manufacturing and pauper population, as well as to benighted millions of other islands and continents!

Allow me then, to ask, in view of the foregoing facts, and the arguments of preceding letters, whether the labouring population of the Mother Country will be more attracted to this Province by the assurance of an endowed Priesthood, or by the prospect of cheap and ample education for their offspring? Whether the interests of religion itself will be better consulted, by the opiates of ill-judged endowments, or by the heaven-born enterprises of christian charity? Whether the welfare and good government of this province will be better promoted by recognizing to the fullest extent general religious and civil

equality, or by providing endowments for certain priesthoods? Whether the unity, peace, happiness, and prosperity of the inhabitants will be more extensively secured by appropriating the proceeds of the Clergy Reserves to purposes of general education, and the surplus of these proceeds and of other school lands, if there ever should be any, to other general purposes, or by insisting upon what the country has again and again deprecated? Whether the character, and value, and intellectual wealth and power of the province will be more advanced by appropriating forthwith a decent and adequate provision for common school instruction and acedemical education, or by an expediency and patch-work policy of clerical patronage? Whether all classes of the population have not an equal claim to the benefit of the one-seventh Reservation, and whether the loyalty, strength, and popular security of the country will be best established by depriving any class of that benefit? I believe an opportunity now presents itself for our Government and Parliament to confer the greatest possible benefit, or inflict the greatest conceivable evil upon this province--either to become a by-word and hissing throughout the land, or, to become the most influential and popular that ever existed in Upper Canada.

Having expressed my own sentiments, and I believe those of nine-tenths of the resident land-holders in the province, with the freedom of a British subject; and having briefly discussed the whole question to the best of my humble judgment, I now respectfully submit it to the practical consideration of our legislators,--not as political or sectarian partizans, but as "the friends of all, and the enemies of none."

I have the honor to be, &c. &c. &c.

P. S. I had intended to have devoted a letter to the question of the Rectories, showing what the establishment of them really involves, and that the *time, manner, and circumstances* of their establishment prove a violation of pledged honour, good faith, and the principles of constitutional government; but the deep feeling of an injured and indignant country supersedes the necessity of such a discussion at present. I will only, there-

fore, remark in the language of the Rev. Mr. MAGILL, of the *Niagara Christian Examiner*, who, after having stated the ill-judged act establishing the Rectories, observes--

"Such is the act of the Government, and such are the pretensions of its high church favourites. Can it be deemed surprising that public apprehension has been awakened?—that public indignation is roused?—that constitutional resistance is resolved upon?—that all who wish the peace and prosperity of the country declare their deliberate judgment that this rash and surreptitious act must be cancelled—this root of bitterness must be drawn out even to its minutest fibres, and cast into the sea of oblivion."

I am happy also to have the concurrence of our Scotch contemporaries of the *British Colonist* and the *Christian Examiner*, as well as of a large portion of the rest of the provincial press, in the general principles that I have advocated in these letters. The *Colonist* has expressed his general views in these words:

"The truth is, that in this Province there is now a determined hostility entertained against the principle of the Rectories by the great majority of the people, and they cannot be forced upon them, unless the tranquillity of the Province is to be put into the scale with the endowing of an exclusive hierarchy. During the late troubles, all classes of Her Majesty's subjects were equally distinguished in manifesting their loyalty and attachment to their Sovereign, and it is a poor recompense that after having fought the battle, and won the day, they are to be lorded over, in their most sacred rights, to gratify the ambition of a party.

"In this colony, all classes ought and *must* be on a footing of perfect equality in their religious privileges; and until this is the case, prosperity will be a stranger in the land, and the people will be always divided by party jealousies, which every day's experience tells us are more than detrimental to our interests."

The Rev. Mr. Magill of the *Christian Examiner* has forcibly observed that--

"Year after year, at least during the last decade, the general sentiment of this Colony has been uttered in no unequivocal form, that no Church invested with exclusive privileges derived from the State, is adapted to the condition of society among us. It cannot be doubted, that this is the deliberate conviction of nine tenths of the Colonists. Except among a few ambitious magnates of the Church of England, we never hear a contrary sentiment breathed. *Equal rights on equal conditions*, is the general cry. And although several Assemblymen of the present House have chosen to misinterpret the public voice, and to advocate a different principle, we doubt not that on their next appearance before their constituents, they will be taught that this is not the age, nor this the country, in which the grand principle of equal rights can be departed from with impunity."

[The text on this page is extremely faint and illegible. It appears to be a multi-paragraph document, possibly a letter or a report, with several lines of text visible but not readable.]

A P P E N D I X.

No. X.

Toronto, Feb'y 28, 1839.

SIR,—I feel that I should not fully discharge the duty I have undertaken, did I not call special attention to that part of His Excellency's Speech of yesterday which relates to the subject of the preceding Letters. His Excellency says :—

“ The strongly-excited feelings to which the long agitated question of the Clergy Reserves has given rise in this Province, have sensibly impaired that social harmony which may be classed among the first of national blessings, and have augmented the hopes of the enemies of the country in proportion as they have created divisions among its defenders. It is painful to reflect, that a provision, piously and munificently set apart for the maintenance of religious worship, should have become the cause of discord among professors of the same faith, and servants of the same Divine Master; and I feel that, on every account, the settlement of this vitally important question ought not to be longer delayed: I therefore earnestly exhort you to consider how this desirable object may be attained—and I confidently hope, that if the claims of contending parties be advanced, as I trust they will, in a spirit of moderation and christian charity, the adjustment of them by you will not prove insuperably difficult. But should all your efforts for the purpose unhappily fail, it will then only remain for you to re-invest these Reserves in the hands of the Crown, and to refer the appropriation of them to the Imperial Parliament, as a tribunal free from those local influences and excitements which may operate too powerfully here. My ardent desire is, that, keeping in view, as closely as you can, the true spirit of the object for which these lands were originally set apart, this embarrassing question may be settled on equitable principles, in a manner satisfactory to the community at large, and conducive to the diffusion of religion and true piety throughout the province.”

The above passage, I understand, to be nothing more nor less than a recommendation to re-invest the Reserves; for all the advocates of certain parties who have a peculiar interest to promote, will easily find insuperable objections to any other plan than that of re-investment.

Placed in the painful and responsible position I occupy in respect to this matter—assembled as the Parliament is with discretionary power to dispose of it—I am exonerated from that caution that I should deem it my duty to observe at other times and in other circumstances, and feel it my duty to conceal nothing in regard either to facts or apprehensions on this question of questions. I never did take up my pen with so much reluctance; never did I contemplate the future with feelings so melancholy. I will, nevertheless, for once at least, do my duty to the government and the country.

That I and all connected with me have earnestly desired and sought the settlement of this question in years past, is known to the province at large; that we have had no ulterior object in view in our proceedings, is evinced by our supporting the government and constitution of the country in every hour of need; that we have no *personal* gain to promote is plain from the principles and measures we have advocated; that we have most earnestly sought to avoid the re-agitation of this question since the suppression of the rebellion in December 1837, is manifest from our conciliatory proposition, our suggestions and appeals to the members of the House of Assembly last winter. Indeed so deeply sensible was I of the evil effects upon the social state of this province of a re discussion of this question; so greatly did I dread the part I was apprehensive it would become my duty to take in such a discussion, in case of its renewal; that I was ready to agree to any measure that did not involve a complete sacrifice of public interests. My brethren and myself consented to assume the responsibility of suggesting a middle course at a moment when a recent exposure to common danger and a common participation in a providential deliverance seemed to create in every patriotic heart a desire to forget past differences and lay the foundation of future tranquillity. After witnessing with indescribable pain the failure of every effort to induce immediate and just legislation on the subject last year; possessing as I then did from repeated personal assurances a strong conviction that the Secretary of State for the Colonies was favourable to the popular wishes of the province on the disposition of the Clergy Reserves; having the fullest confidence in his impartiality and liberality in this matter, I stated to more than one member of the Assembly, that I would rather acquiesce in the re-investment of the Reserves than risk the evils of a re-agitation of the question, having been assured that the clause for re-investment would provide for the application of the Reserves to *educational* as well as religious purposes—that the published objections of my friends and myself did not arise from any distrust on our part of the justice of the British Ministry, but from a conviction that that arrangement would not settle the question and would be attended with serious practical difficulties; but that we should not increase those difficulties, and were disposed to do all in our power to lessen them, rather than have the province convulsed with another domestic war on the subject—that I believed it *possible* to defeat the selfishness of the high church party by correct representations to the Home Government, if we could not do it here by direct local legislation. Such were the lengths of concession and conciliation to which I was disposed to submit last session rather than witness the renewal of this controversy! But the very reasons that induced me, and those with whom I act, to risk a decision of the British Government relative to the religious and educational disposition of the Reserves, prevented the high church party from adopting it. They feared the present Ministry would decide upon just and popular principles—and therefore they thought the

Reserves were safer as they were for high church interests than they would be to place them at the disposal of the Crown. The result is well known—the question was postponed. With a view to promote immediate and just legislation on the question, I took the liberty of addressing a public letter to the Honorable Speaker of the Assembly, dated Jan'y 23rd, 1838, (some weeks before the prorogation,) entitled "Reasons for Immediate Legislation on the Clergy Reserve Question," &c. The following is an extract :

"3. Serious evils may result from delay. To suppose that in ordinary times the public mind will veer to the pretensions of certain advocates of the Churches of England and Scotland, is to assume the reverse of all history, and to imagine that the stream will flow to the fountain, or that the gravitation of bodies will be *from* instead of *to* the earth. To delay the question therefore, is at least but to increase the difficulty of its adjustment. And who can predict the ulterior and ultimate consequences of disappointing the reasonable expectations of the public mind, when, for the first time, its only hopes are eagerly suspended upon the justice and wisdom of those who have been represented as inimical to its educational developement and moral elevation? Who can foretell and who is prepared to assume the responsibility of the effects upon the future feelings and conduct of the inhabitants of this province, should it occur that after they have at a moment's warning rallied from east to west and from north to south, around the Constitution of the country, the Legislative champions of that constitution were to pass over in silence or pusillanimously postpone the consideration of a question on which more anxiety, and feeling, and impatience have been manifested than on any other question which has ever been agitated in the province? The majority of the members of the present Assembly were elected under the expressed or implied understanding with their constituents, that the earliest consideration and most vigilant efforts would be directed to the speedy and satisfactory adjustment of this question, as the debates of last winter's session on this subject abundantly prove; yet the question remains as it was when those assurances were given to constitutional constituencies! And to say that this is not the time to agitate the question in the Legislature, is to furnish melancholy ground to apprehend that a course of proceeding is contemplated which it would be unsafe or too audacious to declare at the present time, so soon after the universal burst of loyalty and patriotism, on the part of a discerning population in defence of established government and good laws. What! not the time to consider that which has been employed as an instrument to involve many an unsuspecting individual in the late unnatural conspiracy! Not the time to heal a wound which has long been festering in the public mind! Not the time to remove a confessed detriment to the religious harmony, and peace, and interests of the Province! Not the time to do an act of justice, of reason, of philanthropy! Not the time to place the government upon the firmest foundation for the time to come!"

Well, what ensued after the close of the session? Why, the organ of Episcopal Clergy ("*The Church*") failed not from week to week to urge the exclusive pretensions of his Church with an exclusiveness

and an insulting arrogance scarcely paralleled in the past history of the province. Even as early as April, we meet with such passages as the following in his columns: "It argues sheer ignorance to fight the battles of conservatism against the three-fold league of papistry, sectarianism, and radicalism, save under the banner of our Protestant Church."—"The blood and the banishment of every one who may be executed or transported for his participation in the late rebellion, and who, had there been an effective Established Church, would have breathed a political atmosphere purified by national Christianity, instead of the noxious *malaria* of revolution and infidelity,—are chargeable upon our legislators and rulers and their abettors."

In August, after the visit of Lord Durham to this Province, I thought the time had arrived for me—in the discharge of my official duty—to repress the increasing arrogance of *The Church*, and bring the merits of this great question again before the public. On the first week in September I commenced these letters, as you will perceive by the date. From the beginning to the end of them, or in any line of my public writings, I have not mooted the question of vote by ballot, or universal suffrage, or annual parliaments, or any change in the Constitution, or even an abstract theory on Church establishments; yet no sooner did I venture to question the arrogant claims of the Episcopal Clergy than, as if by general concert, I was forthwith overwhelmed with a torrent of abuse and scurrility almost incredible, from the columns of the high church press—in consequence of which I have been prompted to apply the rod of rebuke and chastisement with a severity for which I hope never again to have occasion. For the present non-settlement of the Reserve question, and for the consequent discussions of the past year, I therefore disclaim all responsibility.

That the past delay in any grave consideration of this question with a view to its settlement should be viewed with impatience, and as a breach of public confidence, I need only appeal to the speech of Mr. Attorney General Hagerman, delivered during the first session of the present parliament, in which he says—"I will now call upon my honorable friends, the conservative members of this House, to apply themselves with earnestness and zeal, as I am sure they will with integrity and ability, to settle this question." Such was Mr Hagerman's language the *first* session—the *fourth* session has arrived and the question remains *in statu quo!!!*

Let us view the question as it now stands. Last session there was scarcely any public opinion on this or on any other subject—the circumstances of the insurrection, and the novel position in which they placed the province, inspired almost every individual with a desire to commence anew in civil matters; it was in the power of the government and legislature to have given a tone to the feelings of the country to a certain extent; that opportunity was so completely misim-

proved that dissatisfaction, as exhibited by six-sevenths of the provincial press, was more general and strong in the country last October, than it has been in the province these ten years; and the individual opinions of the country are now as strongly formed as they ever were. Last session all was calm, and confidence, and hope; this year there is deep feeling, distrust, and apprehension. Last session there was buoyant hope of immigration, growing commerce, and uninterrupted tranquility; this year it is formally announced from the throne that "the tide of immigration is turned from our shores—the overflowings of British capital are transferred into other channels—public credit is impaired—and the value of every description of property is depreciated;" yes, the House is advertised of extraordinary expenditures and large and unprecedented demands upon the public revenue. In one word, information from all parts, and the state of the press for the last six months, shows that the moral influence of the legislature is little more than nominal in the minds of the people; and all its measures will be scrutinized by them with the feelings and severity of disappointed hope and nearly extinguished confidence.

Again—the views and feelings of the great body of the inhabitants towards Her Majesty's Government have undergone an essential change since the last session of the provincial legislature. I do not say or believe that there is a change of feeling in regard to loyalty to the Sovereign, but in respect to confidence in Her Government; and the Queen is known to have personally (except by the sanction of her name) little more to do with state affairs, than any other young lady of 19 years of age. The dismissal of Sir F. Head destroyed the confidence of one portion of the community in the Home Government, and even called forth formal expressions of disapprobation in addresses to Sir F. Head. The treatment of Lord Durham by the same Government has reduced his influence in general estimation to a level with the local Executive. Lord Durham's vindication of himself was not calculated to elevate Her Majesty's Government in public estimation; and what little respect still lingered in the minds of the country has been extinguished by the par excellence "loyal" press of the province. The epithets applied by the *Patriot*, the *Cobourg Star* and kindred publications, and the exhibition in effigy of Her Majesty's Ministers before the Government House here, and afterwards the hanging and burning of them in derision, have made a deep and general impression on the public mind of the province. In connexion with these circumstances, is the public confession of Lord Durham—who is acknowledged upon all hands to be a man of much greater knowledge and abilities than any member of Her Majesty's Government—that he virtually knew nothing and was utterly incompetent to form any tolerable opinion of Canadian affairs and interests, until he visited and inquired personally into their actual condition. Many may not be prepared to analyze and enumerate the causes of the impres-

sions produced by these circumstances, but of the existence of those impressions, deep and lasting, forty-nine fiftieths of the inhabitants, of all parties, are as sensible as they are of the impulse of consciousness.

Add to all this, circumstances which have come to my own knowledge, and others with which the public are acquainted. I have seen memoranda of interviews between distinguished members of the Church of Scotland and the Colonial Office, conveying views, evidently from the policy of expediency, at variance with those which I have understood from the same functionaries. Private instructions of the Colonial Office are found to be directly opposite to public despatches, ministerial pledges, and Royal decisions. Not merely the case of Lord Durham, but a conversation which took place in the House of Lords on the presentation of a petition by the Bishop of Exeter from an Episcopal Clergyman of U. Canada, furnishes ample evidence that Her Majesty's Ministers are the mere automatons of the Lords. Lord Durham, in his reply to the address of the inhabitants of Quebec, stated that these provinces were governed by two or three Peers from their places in Parliament; the facts alluded to most clearly show, that our ecclesiastical affairs would be as much under the dictatorship of two or three Right Reverend spiritual Peers from their places in Parliament as certain of our civil affairs have been controlled by two or three temporal Peers. The case then of Her Majesty's Government and the ecclesiastical interests of all classes of the population of this province stands thus: the events of the last nine months have shown that a whig ministry is under the dictatorship of the Bishops and House of Lords. The Editor of *The Church* has already made his boast of this, as may be seen on pages 82, 83. A tory ministry would do that from inclination which the present ministry does from subserviency to the Bishops and Lords. Hence the new-born zeal of the highest church partizans themselves for re-investment. And hence our ten-fold accumulated opposition to it.

Take these facts together, and what is the conclusion of every unsophisticated and unbiassed mind? Is it, that those men are to be made the judges of the disposal of one seventh of Upper Canada, who were burned in effigy as "traitors" in our capital a few months ago? Is it, that the English Bench of Bishops are to decide this matter? Is it, that men who, by the confession of all, know nothing of the social condition of the country are to decide upon difficulties which grow out of that social condition? What has been the designation of Her Majesty's government by high church presses and high churchmen throughout the province for the last year? Why they have been uniformly termed "the Incapables of Downing Street;" and yet it is proposed to appeal to these "Incapables" to dispose of one seventh of the country! What does the proposition of re-investment under such circumstances, but proclaim in peals of thunder to the ears of the inhabitants of the province,—"you will not submit for us to apply the

proceeds of one seventh of your labour to the support of one or more hierarchies, we will therefore place those proceeds in the hands of the "Incapables of Downing street," and the capable Bishops will compel (if there be need for it) the "incapable" Ministers to do what we dare not do; and your loyalty and intelligence will of course induce you to bow in humble submission to the decision of the "Incapables," even to the robbing of you of those fruits of your labour which the constitution of the province recognizes as your property and at your legislative disposal, and which Royal despatches have declared must, according to the evident spirit and intent of your constitution, be disposed of—not according to some theory of establishments, not to suit the interests of some priesthood, not to advance some system of patronage, but—according to "THE PREVAILING OPINIONS AND FEELINGS OF THE CANADIANS."

But, it may be said, it is not proposed to place the Reserves at the disposal of the "Incapables of Downing street," under the supervision of the Bishops, but as Sir George Arthur's speech expresses it, "to re-invest these Reserves in the hands of the Crown, and to refer the appropriation of them to the IMPERIAL PARLIAMENT, as a tribunal free from those influences and excitements which may operate too powerfully here."

In what respect, I would ask, are the members of the Imperial Parliament more capable of "appropriating" the Reserves than the Ministers of the Crown? Every man in the country knows that nineteen twentieths of the members of the Imperial Parliament do not know half as much about Canada as they do about Persia, or Turkey or Hindostan. Lord Durham has most explicitly stated that the members of the Imperial Parliament are utterly ignorant of the condition, and feelings and wants of this country. And the history of British Parliamentary legislation for the Colonies assures us, that in any spiritual matter the Right Reverend spiritual legislators are the principal parties to be consulted. To place the appropriation of the Reserve fund in the hands of the Imperial Parliament is to deprive Her Majesty's Ministers themselves of the power of complying with the wishes of the Province, even if they were so disposed.

We are told that the Imperial Parliament is "free from local influences and excitements." Very true, because it is under the control of directly opposite "influences and excitements" to those which "operate too powerfully here," to meet the views and promote the interests of certain parties. "Local influences and excitements" of the British Parliament are known to be just as strong and sometimes much stronger than they have ever been in our provincial Legislature; only the social state of Great Britain invests them with a different character from ours. The plain English of Sir George Arthur's recommendation is this: "Gentlemen—here is a particular way in which I and certain parties think the Clergy Reserves ought to be dis-

posed of; if you 'find influences too powerful' to allow you to dispose of them in that way, then 'refer the appropriation of them to the Imperial Parliament,' where those 'influences and excitements' prevail which accord with my own views and wishes."

Now in a case of law or a matter of fact, a disinterested court and jury is the proper tribunal of decision; but in a matter of *Legislation* the very opposite maxim lies at the foundation of all constitutional government. What is an elective House of Commons for but to reflect the "influences and excitements," and thus represent the wishes and interests of the nation? What is the responsibility of Ministers in England to the House of Commons, but a practical security and recognition of the great principle of all free government, that the "influences and excitements" of the nation are the rule of legislation? Upon this great principle it was, that Lord Glenelg has laid down the "prevailing opinions and feelings of the Canadians" as the rule of settling this question. Yet the recommendation of Sir George Arthur flatly contradicts the maxim of Lord Glenelg—a fact that irresistibly forces upon us the conviction that, whatever may be the excellent virtues of Sir George Arthur's head and heart, and whatever may have been his intentions and proclamations, he is not a statesman, nor does he recognise the principles of, and therefore is not a friend to civil and religious liberty. Sir George Arthur has, indeed, expressed an "ardent desire" that this "embarrassing question may be settled on equitable principles, in a manner satisfactory to the community at large;" but Sir George Arthur himself or the Imperial Parliament must be the judge of what those "equitable principles" are; and any differing judgment is to be set down to the account of "local influences and excitements," which ought not to be regarded in the settlement of this question; just as if there was no such thing as "influences and excitements" operating on the side of Episcopal pretensions.

His Excellency also advises to keep closely in view "the true spirit of the object for which these lands were originally set apart." How does this agree with the decision of his late Most Gracious Majesty's Message on this subject. For seven years the inhabitants of Upper Canada, through their representatives, and otherwise, prayed for the appropriation of the Reserves to educational purposes and internal improvements—principally for purposes of education. At length Sir John Colborne on 25th of January 1833 (see pages 32, 33) sends down to the House a message from the King, which contains the following words: "It has therefore been with peculiar satisfaction, that, in the result of his inquiries into the subject, His Majesty has found, that the changes sought for by so large a portion of the inhabitants, may be carried into effect without sacrificing any just claims of the established churches of England and Scotland."—"His Majesty, therefore, invites the House of Assembly of Upper Canada to consider how the powers given to the Provincial Legislature by the Constitutional Act,

to VARY OR REPEAL this part of its provisions can be called into exercise most advantageously for the *spiritual* and *temporal* interests of His Majesty's faithful subjects in this Province." Now the Constitutional Act authorises the provincial Legislature to "vary or repeal" the Clergy Reservation—His late Majesty invites to the discretionary exercise of that power; Sir George Arthur advises against it, and desires "the true spirit of the object for which these lands were set apart" to be kept in view. Here is decision against decision—advice against advice; and the last and inferior tribunal of Sir George Arthur assumes a greater infallibility than the superior tribunal of His late Majesty, corroborated as it is by the unvarying and strong and repeatedly expressed decision of nine-tenths of the inhabitants of Upper Canada during a continuous period of FIFTEEN years. To designate and treat an unchanging and overwhelming decision of the Province, through all the conflicts and variations of party, for fifteen years, as mere "local influences and excitements," is an insult such as was never before inflicted upon the inhabitants of Upper Canada from the same quarter, and shows that how highly soever Sir George Arthur may rate their loyalty, he has a very low opinion of their understanding, and very little regard for their sentiments and wishes.

But, in desiring the application of the Reserves to educational purposes, have the inhabitants sought an object inconsistent with the "spirit" of that for which these lands were set apart? You Sir, rightly stated in your speech of last session on this subject, that the *end* for which the one-seventh Reservation was made, was the religious and moral instruction of the inhabitants, and that the support of "a Protestant Clergy" was but a *means* to that end. You therefore contended that the support of any class of Clergy out of the proceeds of these lands was in perfect accordance with the "true spirit of the object for which they were set apart." Upon this ground you proposed to include the Catholic Clergy. Now if supporting a Catholic Clergy out of the proceeds of the Reserves is consistent with the "true spirit of the object for which they were set apart," is not the application of those proceeds to purposes of education upon Christian principles in still closer accordance with the "true spirit of that object?" Besides very many Clergymen are Schoolmasters and teachers in colleges—a fact which proves that imparting education is perfectly consistent with the "true spirit" of the functions of the Clerical office. How then can the application of the Reserves to purposes of education be inconsistent with the "true spirit" of the original reservation? And even in reference to the application of the proceeds of the Reserves to objects of internal improvement, if the provision is not to be "varied or repealed" why does the act which created that provision provide also for its being "varied or repealed" at the discretion of the local legislature? To whom must we yield the preference, to the framers and provisions of the Constitutional Act of the Province, or to the opinions of His Excellency Sir George Arthur?

In the eventful, the tremendous, the awful alternative recommended by His Excellency, that if the members of the Assembly cannot agree among themselves to settle this question they should refer the appropriation of the Reserves to the Imperial Parliament, several things are to be considered. I admit that the members of the Assembly may not be able to agree among themselves upon any plan of settling the question. 1. Some may feel that they have too much family interest in the question, to allow them to judge dispassionately and impartially, and being *honorable* men, may wish to be excused from taking any decided part in it. 2. Others may have individually conscientious scruples on the subject; and being *honorable* men, and knowing that their individual scruples are opposed to the general sense or scruples of their constituents, will likewise feel too conscientious to rob their constituents of a fair representation on the question. 3. Again, others may entertain strong views which they know are opposed to the often expressed sentiments of the country. 4. Others, again, may *possibly* doubt what are the real sentiments of the country on the subject.—Now in any of these cases, what ought to be done? I answer, if *British* honour, and the *British* common law of usage, have any weight in this Province, honourable members would in such cases, and on an occasion far less important than the present, resign their places into the hands of their constituents, and afford them an opportunity to express their sentiments and wishes by either re electing them, or electing other individuals of views in accordance with those of the constituencies concerned. This is the *British*, the *honorable*, and the *only effectual* mode, of accomplishing the ends of a popular representation and of securing individual honour and independence. This is the alternative which British regard for the constitutional rights of the electors of the province would dictate, and not that recommended by His Excellency Sir George Arthur.

But before adopting His Excellency's alternative, it is important to inquire

1st. *Will it not be a breach of good faith on the part of the government and House of Assembly with the inhabitants of the Province?* I was not in the province in 1836,—I have not therefore any *personal* knowledge of what transpired previous to and during the elections; but I have the ample testimony of others on this point. It is known that neither the late Editor of the Guardian nor myself was inactive in respect to that contest; and the responsibility thus incurred imposes upon us the obligation of watching more sedulously the proceedings of the present Assembly than I should have otherwise done, and will impose upon me the painful task of laying before the provincial constituency a history of the proceedings of each member of the Assembly on the Clergy Reserve question, if it be left unsettled or disposed of in a manner prejudicial to the wishes and interests of the country. While in London in 1836, I recollect seeing a Canadian

paper which contained the proceedings of a public meeting held in Trafalgar two or three weeks before the elections. Of that meeting Mr. GEO. CHALMERS was Secretary; and in its proceedings WM. CHISHOLM and EDWARD W. THOMSON, Esquires, took an active part. One of the resolutions related to the reduction in the price of the waste lands of the Crown and the improvement of the land granting department, and another to the Clergy Reserve Question—in favor of appropriating the Reserves to purposes of education and internal improvements. I have been informed upon unquestionable authority, that both of the respected gentlemen named spoke most explicitly and strongly in favor of the resolutions adopted at the meeting; and I have reason to believe that it was under such an expression and understanding of their views, that they were honored with a majority of the suffrages of their respective constituencies. Here then is an instance of two most respectable and useful constitutional members of the Assembly having been elected with an express view to the application of the Reserves to educational and general purposes. Is it too much to presume that a majority of the constitutional members of the Assembly were elected under the same understanding and with the same view? It is no secret that the exertions of the late Editor of the Guardian and others connected with him turned the scale in favour of the government at the late elections. Let us now see under what assurances and understanding that large class of the community supported constitutional candidates. The town elections commenced on the 27th of June. In the Guardian of the 15th of that month I find some advices of the Editor to Christian electors; and referring to the subjects of the Reserves and the land granting department, (the subjects which engaged the attention of the Trafalgar meeting above alluded to) the Editor of the Guardian remarked as follows:

“One of the subjects which have occupied the attention of the Canadian population, and drew forth several expressions of public opinion, is the Clergy Reserves. The Conference, in its official character, has been long settled on this matter, and we apprehend no change will ever take place in their views in respect to the inexpediency and impropriety of endowing the Church of England with this property. This question has unfortunately divided and disquieted the province for a long time. *We are happy to learn that there exists on the part of the Government, and the Executive and Legislative Councils, a disposition to yield in this matter, and hope to witness its speedy settlement in a way that will give general satisfaction.*” “A general complaint is made about the price of land, and the inconvenience under which purchases are made, and deeds obtained. This is a subject of great interest to the growing prosperity of the colony, and we hope will soon be remedied. It has engaged the serious and close attention of many connected with the Legislature, and we believe the Government has provided some remedial measures, only waiting for a convenient opportunity to effect valuable and great improvements in this department. Let the land be sold at a moderate price, and

render every facility to emigrants, and soon the benevolent and liberal intentions of His Excellency will secure the accomplishment of that noble declaration in one of his able and numerous supplies—"I want nothing but to fill your country with men women and money." Such a state of things may be speedily realized if the electors do their duty in selecting men who will second the efforts of the Government."

In a supplement to the Guardian, dated 24th of June, (three days before the commencement of the several town elections,) we find an account of an interview between Sir F. Head and a deputation which waited on him to present a congratulatory address from the Methodist Conference (dated June 13th 1836) to His Excellency on his assuming the Government of the province, and referring to the then existing state of affairs in the province. The Editor says:--

"It will be gratifying to the public to learn that His Excellency was pleased to assure the deputation that he felt a high regard for the real interests of the Methodist Church; and that he most cordially concurred in the sentiments embodied in the address; and that he particularly approved of the paragraph referring to the unsettled state of the Clergy Reserves."

Such were the grounds upon which Methodist support was given to constitutional candidates in the elections of 1836. And that such was the general understanding, as was afterwards most explicitly avowed, is evident from the following extract of an Editorial article in the Guardian, published a few days after the commencement of the first session of the present Parliament:--

From the Christian Guardian of November 16, 1836.

"In the Speech from the Throne, His Excellency adverts to this as 'the most important of those subjects which the country has now reason to expect will be met by its Legislature with a firm determination to bring them to a final settlement.' It was with the most profound satisfaction that we listened to the above clause of the opening speech; in which His Excellency, in addressing both houses of the Provincial Parliament, lays down two most important positions; *first*,—That it should be the 'firm determination' of the Legislature, (of which he, as the Representative of our Gracious Sovereign, constitutes one branch,) to finally settle this 'long disputed question'—and *secondly*, that in doing so, regard should be had to the expectations of the country."

"We have reason to believe, that a large majority of the Assembly are devoting to this subject their 'serious attention;' and a most auspicious era in the history of this interesting portion of the British Empire will that day be, which shall proclaim, 'that by moderation and sound discretion the obstacles which have hitherto attended its discussion' have been 'overcome.' While on the other hand, *consequences, above all others the most to be deprecated by every loyal and patriotic mind, must be the result of either leaving this question undecided, or of deciding it otherwise than in accordance with the oft repeated wishes of almost all classes of the country.* We speak with the firmest conviction of the truth of what we utter, when we say that *never had the Representatives of the people,*

and the Representative of Royalty in this Province, so fair a course before them to the attainment of unprecedented, and almost universal popularity, as is open to them at the present juncture.

“That difficulties lie in the way of settling this matter to the satisfaction of the country we are ready to admit. The experience of past years has demonstrated it. But it should neither be concealed nor forgotten, that the joint powers of His Excellency and the House of Assembly are fully competent to the removal of those difficulties, should they still present themselves.

“It is with deep regret that we have already perceived, on the part of some of our contemporaries, an inclination to bias the Legislature to compromise the principle contended for by an overwhelming majority of the constituency, and to attempt the settlement of it on a plan which could not fail to foment religious animosities, by creating invidious distinctions, and to excite prejudice against the Government and institutions of the country. With all due regard to the judgment of other conductors of the press, *we flatter ourselves that we possess facilities for forming a just estimate of the state of public feeling on this question, equal to those of any other individual.* AND WE HESITATE NOT FOR A MOMENT TO AVER THAT THE ONLY DISPOSITION OF THE RESERVES WHICH WILL GIVE GENERAL SATISFACTION IS, TO APPROPRIATE THE PROCEEDS OF THEM TO PURPOSES OF EDUCATION. *This is the course which has been contended for through the whole duration of the protracted controversy which has been carried on; and on no other subject has the voice of the country ever been so unanimous.* However fluctuating the public mind may be on other affairs, on this it remains fixed, and unalterable. *Avowed opposition to this principle at the late elections would have deprived almost any candidate of a majority of his supporters; and it will be a fatal error, an error deeply to be deplored by every heart in which British feeling predominates, should it be imagined that the change effected in the character of the Legislature argues any change of public feeling on this question.* Other great principles were the pivot on which the destinies of the elections turned; and while the country has given full proof of its determination to sustain the prerogatives of the Crown, it has done so with an unbounded confidence in the repeated expressions of His Majesty's desire that in the settlement of this question regard should be had to the wishes of his Canadian subjects. *This confidence must not be abused.* We do not, we cannot believe that it will. If it were the reaction would be terrible. The painful effects upon the peace and prosperity of the country for years to come, we do not wish to contemplate. Events may occur ere long which would again call the constituency of the Province to the hustings; and who, possessing a spark of patriotism, does not deprecate any event which might lead to future collisions between the people, through their representatives, —and the Executive government. ‘A word to the wise is sufficient. The prudent man foreseeth the evil, and hideth himself.’ What course will be adopted is problematical, and we shall not prejudge.”

“If the reiterated assertions of a certain party have produced any effect on the minds of the Legislature, *relative to the Wesleyan Ministry*

having changed their views on this question, it is time they should be disabused. The party by whom those assertions have been made do not believe them. And it is only necessary for us to say that in the Addresses of the Conference, at its last Session, to His Majesty and to the Lieut. Governor—in which the subjects of a Church Establishment in this Province, and of the importance of a speedy and satisfactory settlement of the Clergy Reserve Question are adverted to—the honest opinions of that body are expressed in the words of *truth and soberness.*”

During the first session of the present Parliament, while the promises of members were fresh in their recollection, and while the interests and opinions of their constituents were newly impressed upon their minds, the re-investment scheme was rejected. Since then several of the members have been appointed to office; others it is said have had encouraging intimations of appointments by the Executive, and have been somewhat affected in several respects by the atmosphere of the court. In view of these and the foregoing facts, if a combination were formed between the Lieut. Governor and a majority of the members of the Assembly to wrest from the inhabitants of Upper Canada one seventh of the proceeds of their labour, would it not exhibit one of the most disgraceful violations of good faith with a loyal and confiding province that ever darkened the page of British colonial history?

But 2ndly. Will not the alternative recommended by His Excellency, if adopted, be *an unconstitutional abuse and perversion of the very end for which a Representative Assembly was established?* The Rev. THOMAS GISBORNE,—an eloquent clerical conservative English standard author—in his first chapter “On the Duties of Members of the House of Commons,” thus sets forth the great and essential object of a Representative Assembly:

“The grand object to be pursued in forming a Representative Assembly is, to provide that it *shall have an identity of interest with its constituents, and shall express their general and deliberate sense of public measures.* On the observance in a due degree of these *essential and vital principles*, the *utility* of the House of Commons, as a body of Representatives of the People of England, *entirely depends.* To secure or to revive the purity and vigour of these principles is the destined object of the periodical recurrence of elections; of the royal prerogative of dissolving Parliament at any time, of Bills for the exclusion of placemen, pensioners, and contractors from seats in the House of Commons, and of certain classes of men, as Officers of Excise, from the rights of Electors; and has been the professed design of all the plans which have been proposed for parliamentary reform. And the great *purposes of the Representative institution have been alike abandoned, when the House of Commons has been induced tamely to surrender the rights which it was deputed to maintain;* and when it has assumed powers to itself committed to the other branches of the Legislature.”

Now in three successive Parliaments the measure of re-investment

has been rejected by the Representatives of the People of this Province. In 1831, (in the Assembly of which the present Judge MacLean was Speaker) it was proposed and advocated by Mr. Hagerman, but was rejected by a majority of 30 to 7. In the last Parliament he proposed it again, and it was again rejected by a majority of 43 to 4; and it was again rejected during the first Session of the present Parliament. For Sir George Arthur to throw the immense weight of his official influence into the scale against that of the inhabitants on a matter respecting which they had thus constitutionally recorded their sentiments, is unprecedented in the history of Upper Canadian legislation, and, if successful, it will be a flagrant violation of every thing sacred and valuable in the elective franchise of the Province.

But, Sir, there are other circumstances to be taken into the account besides the facts and principles to which I have adverted. His Excellency has officially announced—what was indeed known before—that the credit of the Province is virtually gone, and that large extraordinary expenses are to be provided for. The *interest* on our provincial debt, amounts to upwards of £45,000, or nearly \$200,000 per annum. And the present resources of the province are known to be inadequate to meet even the ordinary expenditures, much less the demands about to be laid before the House. Yet whatever may be the demands of justice, and the pressure of necessity, the Reserve fund must be wrested from provincial control, and the general necessities as well as constitutional rights, of the country must yield to the theory of His Excellency and the cupidity of certain Clergy. Again, the attention of the House has been called to the subject of General Education; yet it is known that *twelve* townships which were set apart for the purposes of common schools, in compliance with an address of the House of Assembly in 1797, have been alienated, through the exertions of the Archdeacon of York, from their original objects, to an endowment of King's College University—that not *one sixpence* has ever been realized from school lands in this Province for common schools, while the Clergy Reserves have been rendered productive to the amount of 4 or five hundred thousand dollars—and that the annual grants in aid of common schools have been annual additions to the provincial debt. And again, all classes of faithful subjects have been recently “exposed to the greatest privations and hardships” in defending the country against brigand invasions,—their loyalty has been acknowledged and applauded as the result of established principle and sound intelligence; and now their deliberately formed and avowed opinions and wishes of *fifteen years*, are to be treated as mere “local influences and excitements!” And yet again, we are told that our only hope for the future, is “our own ability to repel and punish hostile aggression,” and that the Militia laws are to be revised in order to raise the largest possible

force at the least possible expense ; yet with the prospect of again needing the country's services, and perhaps some of its best blood to defend the government, the head of the government tells the country's Representatives that they are to pay no regard to the country's "prevailing opinions and feelings !" The intelligence and loyalty of the country are eulogised when the government and its officers apprehend danger, and are alarmed for their places ; proclamations of large promises are officially issued and distributed throughout the province ; but, as in the days of Charles I., the moment the danger is past and fears are allayed, the mountain promises bring forth a single paragraph of a speech which proposes to filch from the country the disposal of one seventh of the fruits of its industry and loyalty ! The moment this recommended act of spoliation and robbery against the province is committed,—committed under vice-regal dictation on the one hand, and legislative subserviency on the other—that moment the inhabitants will know their future doom—that the six-sevenths majority are to be subservient to the one seventh minority—that executive intimidation, clerical patronage, and political bribery are to be the order of the day—that the resources of the country are to be absorbed in the payment of debts and the enrichment and elevation of certain families and parties—that the country is to stagger on under the weight of accumulated debt and internal weakness, with no other hope or prospect than increased expense to England, progressive diminution in credit, in trade, in the value of property, and in the enjoyment of public safety and social happiness—"as an oak whose leaf fadeth, and as a garden that hath no water." Should the rash, the suicidal recommendation of His Excellency be adopted by the Legislature, how can any member of the Assembly ever look his constituents in the face ? With what face can the government ever call upon the inhabitants to turn out in its defence ? With what kind of a response will such a call be likely to meet, if we may judge from what occurred last November in comparison of the occurrences of the preceding December ? Will not nine-tenths of the country feel themselves justified and authorized (by the lauded facts of British History, and by the best British theological and political standard writers) in refusing to lift a hand in support of the local executive until the Imperial Government shall have restored their pillaged property, and redressed their unprecedented wrongs, and secured their heretofore acknowledged rights ?

I will prosecute this painful subject no farther, though a field of unemployed arguments remains unbroken. For the members of the Assembly individually I have reason to entertain no other feelings than those of grateful respect ; and the applications of the Methodist Conference have been entertained by a majority of them with becoming justice and liberality. Were I influenced simply by private feelings, I should be silent ; but I feel myself impelled by a sense of imperative public duty to lift up the voice of warning against plunging the Pro-

vince into new, and increased, and untold difficulties, and calamities--which will, sooner or later, inevitably terminate in the political extinction of the leaders of the present executive dynasty, and the sovereignty as well as credit and liberty of an independent country. If therefore timely and effectual precaution is not taken against such a result, it will not be my fault.

Suffer me then in conclusion to recapitulate three facts of the case, and the conclusion to which they lead.

1. One seventh of the lands of the province is set apart by the constitutional act for a particular object, in connexion at the same time with a provision in the act authorising the local legislature to "vary or repeal" that reservation, should the inhabitants of the country judge that it might be more advantageously applied to any other purpose than that originally named.

2. The great body of the inhabitants are of the opinion that the one seventh reservation may be advantageously repealed and varied in its application. This opinion is not merely the voice of the populace--the hobby of the demagogue--the clamour of the moment--but the settled and strong conviction of the country from the first investigation of the question--fifteen years since--and has been concurred in by the votes, at one time or another, of the principal Public men of all parties, and of a majority of those now connected with the government, as may be seen by the votes of the Assembly, the names of the yeas and nays on which are given in preceding letters. It will be seen that Mr. Morris (a most intelligent gentleman) first introduced resolutions and a bill into the House of Assembly in 1826 to apply the Reserves to educational purposes, and continued to advocate it for more than six years, if not to the present time. But if any few members of the Church of Scotland may have changed their individual opinions on this question, the opinions of the country generally and of a large portion of the Scotch Church remain without "variableness or shadow of turning."

3. The constitution of the province as expounded by Royal Despatches themselves, recognizes the "prevailing opinions and feelings of the Canadians" as the rule of legislation on this question.

4. Therefore, before any final disposition be made of it at variance with that which has been so long and so earnestly demanded by the inhabitants, they ought to be appealed to--the Parliament should be dissolved and the sense of the country taken on this all-important question, as was the case in England when the Parliament could not agree on the Reform Bill, and as it is now intended to do if a majority of the House of Commons will not repeal the corn-laws, in compliance with what is believed to be the voice of a large majority of the British constituency. If the inhabitants of Upper Canada of all classes have to discharge the duties and endure the frequent hardships of

British subjects, they are entitled to the respect, the privileges, the rights of British subjects; and a surreptitious spoliation of those rights and privileges will ultimately recoil upon the heads of its dupes and authors, as has been invariably the case in the Mother Country,—our severance from which I have employed every proper means in my power to prevent.

I have the honor to be, &c. &c.

E. R.

P.S.—On the day of the publication of this letter, the *British Colonist* published a lengthened Editorial commentary on His Excellency's opening Speech—agreeing in every respect with the views advocated in this letter. The *Colonist* is known to express the opinions of a respectable and intelligent portion of the Scotch inhabitants. With the Editor of that journal we never exchanged a word on the subjects of this letter; and we regard it as a strong corroborating testimony of the correctness of our views, that they are consensually advocated by the most intelligent representatives of other portions of the community with whom we have not had the slightest consultation on these subjects. We here insert that part of the Editor of the *Colonist's* able commentary which relates to the Rectory, Clergy Reserve, and Re-investment Questions:—

From the *British Colonist*, March 6, 1839.

“His Excellency makes no allusion whatever to the Rectories. We have already said enough on the subject to show the necessity of something being done to set this matter at rest; and we again assert that the inhabitants of the country will not be satisfied otherwise. The Clergy Reserve question is a minor one compared with this, and a settlement of it will be productive of little benefit, if the other is overlooked. It were well for the province if Sir George Arthur listened to the voice of the country on this subject; but while he is in the hands of his present advisers, what can be expected?

“Even the Reserve question, the present parliament is incompetent to decide. They do not represent the views and wishes of the people with respect to it; and they can come to no satisfactory conclusion on the subject, unless they deviate from their formerly declared opinions. Let them read the address of several clergymen of the Church of England in another column, and see the position these pious and disinterested teachers, who would persuade us that the soil is their patrimony, continue to assume. From this they can plainly see what the Episcopal Clergy claim, and we presume they know what the people in general expect.

“As to a reinvestment in the Crown, it cannot prove satisfactory. The mere perusal of the Despatch on the last page from Lord Goderich to Sir John Colborne, which we copy from the *Christian Guardian*, is sufficient to decide against that mode of procedure. Who could have believed that such avowedly deceptive policy—such disgraceful quailing

to temporary expediency, could ever have been resorted to by a British Peer, and a Minister of the Crown? and with that fact staring them in the face, how can it be expected that the inhabitants of the country will now be satisfied with a re-investment? Honesty will prove the best policy in the end, and no settlement of this question will give satisfaction to the public that is not based on justice and equity."

N. B. Another reason why exclusive high-churchmen are so zealous for re-investment, may arise from a circumstance which is not generally known. During the last session of the Legislature a member of that school (Mr. Cartwright) introduced and got passed a bill authorizing the township assessors throughout the province to take a religious census of the inhabitants. But little attention was paid at the time to the provisions of the bill; and among other peculiarities of it which will doubtless furnish topics of future investigation, is this—it authorises no column for that class of inhabitants who are not bona fide members of some particular church; so that all who are not actually Presbyterians, Baptists, Methodists, &c., are set down as members of the Church of England, though they were never within the walls of an Episcopal Church. A number of facts have been stated to us in illustration of the nature of the returns which are likely to be made under the provisions of this bill. We will give one example: A man in a neighbouring township was set down as a member of the Church of England, because he was not a member of any other church, though he told the assessor that there was no church that he hated so much on account of its ambition, covetousness, and indolence. The assessor said he had no choice, but to place him in the Church of England column, if he did not return himself as a member of some other Church; and he was returned as a Churchman.

We shall not impugn the returns before they are made; but will hazard the opinion that when they are made, we shall be furnished with materials for an exposure at once amusing and disgraceful. The first census will be sufficient to secure future honesty and fairness—under a fair and honest act of the legislature; but as the *first* census is evidently intended by the authors to go to England, for use there rather than here, like Sir George Arthur's opening speech, it is also attempted to send the disposal of the Reserves there at the same time, that the Episcopal Clergy may secure the principal part of them, by exhibiting a false, deceptive and exaggerated Church of England destitution in Upper Canada. We hint these things to put members of the Assembly on their guard. Let the elective franchise test the strength of the Church of England in the province; and as to the returns under the provisions of the defective and partial act referred to, we will deal with them at the proper time.

AN IMPORTANT UNPUBLISHED DESPATCH FROM
LORD GODERICH TO SIR JOHN COLBORNE,
RELATIVE TO RELIGIOUS GRANTS, RECTO-
RIES, &c.

From the Christian Guardian of February 27, 1839.

The following copy of a most important Despatch has been in our possession a number of months. It will be remembered that, in a Despatch from Lord Goderich to Sir John Colborne, dated Novr. 8, 1832, the following passages occur:—"With respect to the charge of showing an undue preference to the teachers of Religion belonging to the established church of this country, it is so utterly at variance with the whole course of policy which it has been the object of my Despatches to yourself to prescribe, that I cannot pause to repel it in any formal manner."—"His Majesty has studiously abstained from the exercise of his undoubted prerogative of endowing literary or religious corporations, *until he should obtain the advice of the Representatives of the Canadian people for his guidance in that respect.*" On the 25th of February, 1833, Sir John Colborne transmitted to the House of Assembly a Message from the King, communicated by Lord Goderich, in which the Assembly and People of Upper Canada were informed that His Majesty had been graciously pleased to comply with the petitions from a large portion of His Canadian Subjects praying for the application of the Reserves for Educational and general purposes. It is also known that public communications were made respecting the placing of the Casual and Territorial Revenue under the control of the Provincial Legislature. Yet in immediate connexion with these *published* despatches, read the following *private* instructions--read the *reasons* for Religious Grants--read the application of thousands of the Casual and Territorial Revenue, without any regard to the interests of long prayed for education in this Province, and when applications for that object have been rejected or long delayed under the pretence that the question of the Casual and Territorial Revenue was under the consideration of the U. C. Legislature--

read here arguments against the re-investment of the Clergy Reserves in the Crown—read the system of quieting Presbyterians, Methodists, &c., until the livings of the Church of England Clergy could be fully and finally secured—read a system of double-dealing between the Colonial Office and the Provincial Executive relative to individuals, parties, and the province at large, the existence of which we would not have believed twelve months ago if it had been attested to us on oath, and against the future operations of which it now becomes the duty of the Representatives of the people effectually to provide.

[Copy.]

Downing Street, 6th April, 1833.

SIR :

In my Despatch, No. 57, of the 21st of November, 1831, I authorized you to apply in the year 1832, towards the maintenance of the Bishop and other Ministers of the Church of England in Upper Canada, £5000, out of the Casual and Territorial Revenue of that Province; and I estimated that the resources available to the same object from Provincial Funds by law applicable to it, would amount to about £1000, making in the whole a sum of £6000. I directed you at the same time to divide this sum into three parts, whereof one, amounting to £1500, was to be paid to the Bishop; another, amounting to nearly £1000, to the two Archdeacons of York and Kingston; and the third, of £3500, in aid of those payments which the Society for the Propagation of the Gospel in Foreign Parts is in the habit of making to the Ministers of the Church of England, who are denominated Missionaries. You have since been informed by me, in my Despatch, No. 62, of the 30th of March last, that His Majesty's Government have determined to call upon Parliament to vote, during the life of the Bishop, the whole of his income. The charge therefore for the maintenance of the Clergy for the year 1832 will be reduced from £6000 to £4500. I have since learned from your private letter of the 16th of February, that the resources derivable from the Funds set apart for this object will considerably exceed the amount at which, judging from the information in my possession, I had ventured to rate them. It now appears that the interest upon instalments to be paid in 1832 upon Reserves antecedently purchased will amount to £1200, and that

the net produce of the Rents of Clergy Lands leased will not be less than £2300. To these two sums will be to be added the interest upon the purchase money of these Reserves vested in our Funds, which will amount to about £300. The total of these items will be £3800, instead of £1000 at which I had estimated them; and if to this total there be added from the Casual and Territorial Revenue £1000, making in the whole £4800, there will be abundant means of meeting all the demands for salaries, including the two Archdeacons, for which I had intended to provide. A question therefore naturally arises as to the most advantageous mode of disposing of the £4000 to be taken out of the Casual and Territorial Revenue, which had been destined to this particular service, and which will no longer be required for that purpose. I have considered with great attention the observations contained in your private letter of February 16th, and the propositions which result from them; and I am happy to find that your practical views, founded upon personal knowledge and experience, are so coincident with those which upon a more speculative view I had been led to entertain. I quite concur with you in thinking that the greatest benefit to the Church of England could be derived from applying a portion at least of the Funds under the control of the Executive Government in the building of Rectories and Churches, and, I could add, in preparing, as far as may be for profitable occupation, that moderate portion of land which you proposed to assign in each Township or Parish for increasing the future comfort, if not the complete maintenance, of the Rectors. With this view, it appears to me that it would be most desirable to make a beginning in this salutary work, by assigning to it a portion at least of the £4000 to which I have before alluded, as being no longer required, (during the present year at all events) for the payment of Clerical salaries. I say a portion of this sum, because I am led to think that it would be **EXPEDIENT, WITH A VIEW TO PREVENT JEALOUSY AND ATTEMPTS AT INTERFERENCE WITH THIS TERRITORIAL FUND,** to permit some part of it to be disposed of for religious objects generally, without reference to the particular mode of belief which certain classes of the community may entertain. Some of it might, for instance, be applied to Churches for the Presbyterians, some for Roman Catholic Chapels, and some for the Methodists—particularly that portion of them who may be in

communion with the Wesleyan Methodists of this country. It is obviously impossible to think of aiding every subdivision of religionists, whose varieties are too indefinite to enumerate; and I feel that even with respect to those classes to which I have alluded, I cannot well undertake to prescribe to you from hence the exact proportion of assistance which it might be fit to grant to each. £4000 in the whole will be disposable; and I willingly leave it to your discretion to decide as to the proportionate distribution of that sum. I am well aware that in the execution of this duty you will have to steer a difficult course, and that it will require no small 'TACT' to determine by what practical means these important objects can be best attained. The diffusion of religious feeling and motives of conduct is the great point to be aimed at, and His Majesty's Government must naturally feel anxious that these should be as extensively as possible in union with the Established Church of this country. But it cannot be forgotten that the condition of society in such a country as Upper Canada presents difficulties in the pursuit of this object which are very serious, and that a state of religious peace is above all things essential in establishing the minds of the people the efficacy of religious principles. Whilst therefore I admit, without reserve, my own extreme anxiety for the widest extension of the Church of England in Upper Canada, I feel it to be scarcely less important earnestly to urge the inexpediency of seeking to promote that great object by aiming at the exclusion or repression of other Churches. I communicate to you these sentiments on the part of the King's Government with an entire reliance on your judgment and coincidence of view; and the present temper of the majority of the House of Assembly, together with the increasing prosperity and general tranquillity of the Province, encourage me to entertain a sanguine hope that the present opportunity, if wisely and judiciously used, may lead to the most important and beneficial results.

I have, &c.

(Signed)

GODERICH.

P. S.—Upon a point so important as the distribution of the £4000 referred to in this Despatch, I should wish no actual step to be taken until I shall have had an opportunity of considering any suggestions which you may have to offer upon

the subject, which I trust I may receive at as early a period as may be convenient for you to favour me with them.

I have, &c.

(Signed)

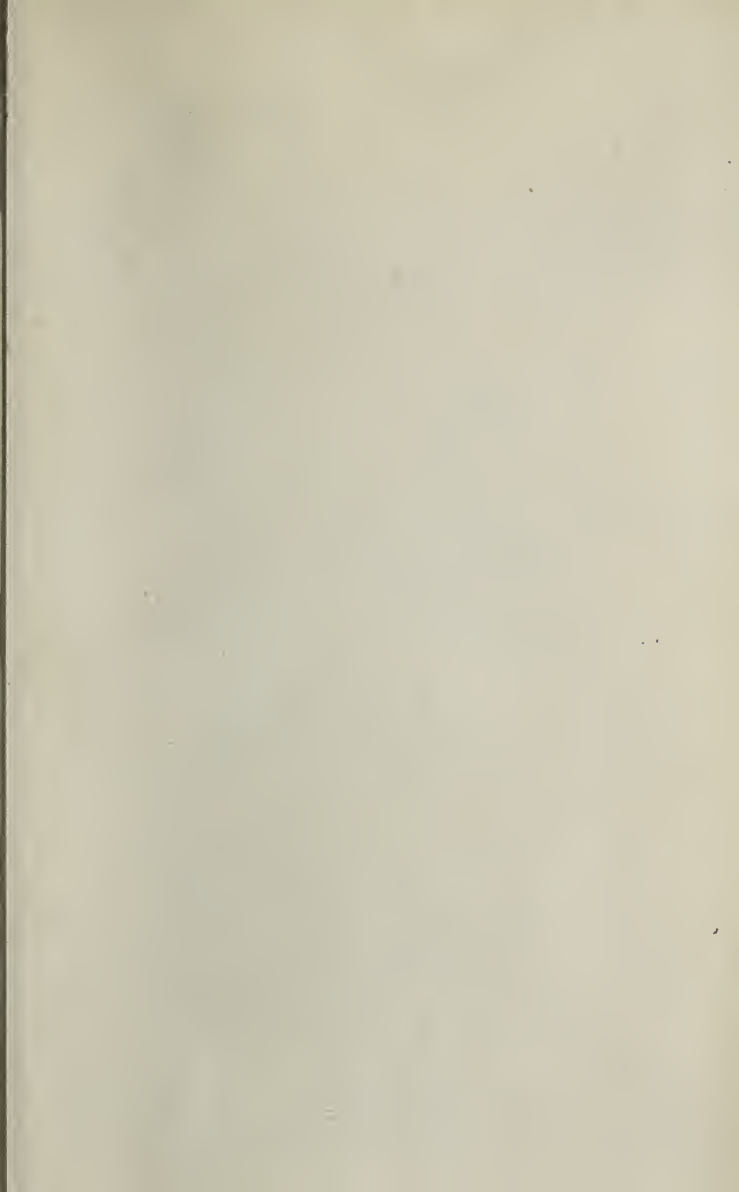
GODERICH.

E R R A T A.

On page 33, Sir John Colborne's Message should have been dated 1833, instead of 1832.—On page 108, omit the sentence relating to "Alan Fairford," as he says he is not a candidate for holy orders in the Church of England.—On page 119, 5th line from the top, in part of the impression, for "one-fifth," read *four-fifths*.

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